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Research on the Use of Simplified Planning Zones and Equivalent Mechanisms Used Outwith Scotland

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Executive Summary

Introduction

Simplified Planning Zones (SPZs) grant planning permission for the types of development specified within the scheme, without the need for any individual planning permission. SPZs were developed mostly to aid regeneration and encourage employment, yet their use has been very limited in Scotland until recent years. Interest has however been rekindled in their potential within Scotland's modernised planning system. The recent independent review of the Scottish Planning system's report, 'Empowering Planning to Deliver Great Places' (May 2016) recommended that the SPZ concept could be "rebranded and evolved into a more flexible and widely applicable zoning mechanism", "for development including housing".

In response, the Scottish Government consultation paper 'Places, People and Planning' (January 2017) proposes that **upfront planning consents would be put in place for zoned land**, strengthening the development plan by identifying and supporting development at an early stage. The Scottish Government has rolled out SPZ pilot schemes to identify issues around speed of preparation, flexibility and links to development planning.

The Scottish Government appointed Ryden, in association with Brodies, to research the use of SPZs and equivalent mechanisms used outwith Scotland. The aim is to assess the potential for a more flexible and more widely applicable land use zoning mechanism than SPZs provide at present, including:

- supporting the delivery of housing at scale
- encouraging alternative housing delivery models
- achieving an infrastructure-first approach to development
- supporting areas where market interest has been limited
- assisting with area regeneration, and
- delivering improved placemaking outcomes for communities.

The research was particularly tasked to explore particular barriers to or issues currently limiting wider uptake of SPZs, including conservation area restrictions, environmental impact assessment, preparation timescales, resourcing, compliance, other consents and developer obligations/ legal agreements, and to identify ways to overcome such barriers. It also considers forms of upfront consenting from other countries.

Policy and Research Background

SPZs were introduced to Scotland by the Town & Country Planning (Scotland) Act 1972. Detailed procedural requirements for making a scheme followed in 1987. The regulations placed an emphasis on the secretary of state to influence decision making. Very few schemes were adopted. Procedures were streamlined in the 1990s through the Planning and Compensation Act and the relevant procedures are now detailed in the Town and Country Planning (Scotland) Act 1997, SPZ (Scotland) Regulations 1995, the Order and Circular 18/1995. Notably, the amendments to legislation removed the requirement to hold a public local enquiry (PLI) to consider objections to a proposed scheme. Benefits of SPZ's noted in the 1995 Circular include; avoidance of planning

delays, savings of time and cost for developers and planning authorities through promotion of land for prescribed uses.

The size of an SPZ can range from individual to several sites. Sites with heritage and environmental designations (e.g. conservation area, green belt, sites requiring EIA) are currently excluded from SPZs. Development type can be 'specific', itemising permitted development or 'general', giving a wide permission subject to exceptions. An SPZ scheme consists of a written statement, map and any conditions and limitations; if a proposal meets the scheme then the need for full planning permission is removed. However, the requirement for any other associated statutory consents e.g. building warrant, listed building consent and roads consent is not removed.

The current SPZ process includes periods for consultation stages at pre-deposit and deposit of the draft scheme and the possibility of a further consultation if material modifications are made. The LPA can consider objections themselves and determine whether any modifications are required, or use a public local inquiry. Scottish Ministers have the power to call in proposals at any point. SPZ schemes are adopted for 10 years and if revisions are required, the same process as for making a scheme is followed.

Consultations

The research project benefited from 97 public consultation responses to 'Places, People and Planning', and a further 25 detailed interview consultations undertaken by Ryden.

Development industry respondents favour a rebranded zoning approach which can streamline processes and provide greater confidence in delivery, but would like more clarity on developer obligations and infrastructure alignment and delivery. Planners are also supportive of greater use of zoning or SPZs, subject to clarification on control over development design and how the initial workload for such schemes would be resourced. Respondents see both benefits and dis-benefits in aligning SPZs with the development plan preparation cycle.

Respondents recognise the suitability of SPZs for smaller, less complex sites and business space, but have difficulty in seeing the opportunity of scaling-up the approach to complex major housing sites. SPZs are largely seen as a regeneration tool, which might be extended to assist the planning and delivery of non-market housing in the rented, affordable, care, self and custom-build, and 'local builder' sectors. Re-branding of SPZs if they are evolved in this way is broadly supported.

All respondents - but in particular community bodies - see enshrining public engagement and design codes as critical elements in preparation of SPZs to secure quality development and place making. The potential for an early, upfront collaborative approach between SPZ applicants, planning authorities, key agencies and communities is seen as positive and an encouragement to investment in infrastructure.

Barriers to greater use and evolution of SPZs in Scotland cited by respondents were wide-ranging. In addition to regulatory and consenting barriers, the main concern is the requirement for upfront engagement and technical studies to achieve the consented SPZ scheme. There is no clear consensus around funding of this upfront work, nor the loss of planning fees associated with applications; there is however agreement that upfront work is essential to set the correct parameters for design quality and a balance between certainty and the flexibility to respond to changing conditions. More broadly, a

lack of knowledge of SPZs and the potential need for other forms of intervention to deliver development were also mentioned as barriers.

Scottish SPZs

Existing Scottish SPZs at Hillington Park (a 200 hectare employment location in Glasgow and Renfrewshire) and Renfrew Town Centre are presented as case studies within the full report. Following a bid process in late 2016, the Scottish Government has now awarded SPZ housing pilot status and funding support to North Ayrshire, Dumfries & Galloway and Argyll & Bute Councils; each seeks to diversify housing supply and delivery, for example self-build, affordable and SME housebuilders. In the employment land sector, Energetica in Peterhead is a further Scottish Government funded SPZ pilot and Tweedbank at the Borders Railway terminus in Galashiels is being promoted as an SPZ.

Based upon case studies for Hillington Park (enacted 2014) and Renfrew town centre (2015), the existing Scottish SPZ process does achieve its objective of pre-consent for certain agreed types of development, subject to conditions. Hillington Park is achieving substantial investment success (28,000 sq.m. developed), while Renfrew town centre is accommodating smaller changes of use (6 so far). The current SPZ process is however comparatively rigid and top-down in terms of its preparation timescale and activities, stages, duration, potential to modify if circumstances change and exclusions. The wider appeal and scope for SPZs sought by the planning review is likely to require greater flexibility to make the scheme adaptable and proportionate to a range of circumstances.

SPZs in England and Wales

The current SPZ process in England & Wales is broadly similar to Scotland's, but is being superseded by LDOs (see below). A detailed case study identifies that Slough Trading Estate SPZ (161 hectares and more than 95% occupied) was launched in 1995 to "respond to the changing needs of business" and meet "the needs of existing businesses and attract inward investment". The SPZ is now extended to 2024; it has had some changes to permitted use classes and most recently a focus on datacentres, warehouses and research & development. Over the 22 years of the SPZ to date, more than half of the estate has been redeveloped to modernise and support continuing investment and re-investment.

Northern Irish SPZs

Northern Ireland's SPZ regulations (enacted 1972) are not dissimilar to Scotland's in terms of process, scheme or duration and call-in provisions. The regulations do not however exclude green belt or land requiring an EIA. Where the regulations differ is in relation to consultation, objections and modification procedures. A series of legislative changes culminated in delegation of SPZ powers to newly-formed local authorities in 2015. To date however, no SPZs have been adopted in Northern Ireland.

English LDOs

Local Development Orders (LDOs) and SPZs were introduced in England in 1990. Creation of LDOs was eased in 2008 by removing the need for orders to support policies set out in Local Development Plans and also by positioning LDOs to supersede SPZs. In 2013 the option for the Secretary of State to intervene was reduced to a requirement to notify after adoption. LDOs in England have predominantly been used to

promote business areas. However in 2014 local planning authorities in England were directed to use LDOs for brownfield land and housing, with the aim of providing up to 200,000 new homes. Wales's first LDO was implemented in 2015 by Newport City Council.

In keeping with the localism agenda in England, national government primarily has a role in LDOs only where this arises under another statutory duty, for example as highways agency. As noted, LDOs can depart from the development plan. The LDO consultation period is short and only takes place once the scheme has been prepared. The duration is flexible and the LPA may prepare a revision at any time. The majority of LPAs use self-certification forms and issue certificates of lawfulness to confirm compliance. Overall, the English LDO process is more localised and adaptable than Scottish SPZs.

Detailed LDO case studies are presented for:

- Swindon: various LDOs including assisted living example and also low carbon, seven employment sites and town centre;
- Teignbridge: town centre housing and mixed-use pilot; and
- Graven Hill Bicester: 1,900 custom and self-build houses – 198 units in phase 1 approved in 2015 - and supporting uses on 187 hectares.

These case studies show a wide range of development scope, flexibility of preparation and consultation, design guides including in a conservation area, plot passports, LDO durations (and in the case of Graven Hill, phasing), developer contributions, use of conditions, conformity procedure to notify intention to develop, and informal alignment with other consents (such as building warrants, roads construction consents and environmental permits).

Irish SDZs

The Republic of Ireland's Strategic Development Zones (SDZs) have been used since 2000 to fast track the planning process to deliver strategic national economic and social priorities. These Government directives marshal local planning authorities - including the powers to acquire land where required - and infrastructure agencies, thus providing a clear signal to the market that a planned, serviced development area is to be created. This is as much a serviced land delivery model as a consenting model. A detailed planning scheme is prepared for the SDZ, with the presumption that a compliant planning application will be consented, subject to any conditions.

SDZ case studies from Ireland are presented for:

- Adamstown: 223 hectares residential-led development, 1,400 of 10,000 houses completed since 2001, 54 of 57 applications consented); and
- Clonmaggaden: 38 hectares, also launched in 2001, planned 1,400 houses, failure to complete a railway and the 2008 market crashed undermined this unbuilt project.

The current phase of the Dublin Docklands regeneration is also being delivered through an SDZ which is attracting major investment interest (14 major consents since 2014).

Also in Ireland, a zoning scheme case study for independent living (30 units) in Carlingford benefits from a 'community facilities' designation in the development plan. This differs from the SDZs in offering flexibility and openness as well as in scale, although like SDZs it offer a route to planning consent rather than upfront consent. The opportunity was identified by conducting a strategic mapping exercise and includes shared spaces, landscaping, water features, car parking, generous provision of open space, design around passive house principles, and tenure restrictions attached to the planning approval to guarantee provision for independent living in perpetuity. The development is currently under construction.

Overseas examples

In northern continental Europe, upfront stimulation of investment can be observed in countries such as Denmark, the Netherlands, Germany and Sweden. The challenge however is separating the planning element from upfront delivery of serviced land via ownership, infrastructure, public goods and other forms of consent. Projects are typically similar to Irish SDZs; ie. public sector control over land which is then serviced and sold to developers subject to mixed-use masterplans and design codes, typically with extensive consultation and formal governance. Therefore the mechanism is a presumed consent of compliant planning applications, not upfront consent.

The closest to SPZ/ LDO-type mechanisms is Germany's Bebauungsplans (B-Plans). A regulating plan and design code are subject to formal consultation and adoption, after which individual planning consents follow only an administrative checking procedure which verifies compliance against the B-plan and building regulations.

Conclusions and Key Principles

The key principles for rebranded **Consented Development Zones (CDZs)** are set out in the table below. The principles are based upon the research presented in this report, which has been undertaken at an early stage in the re-emergence of upfront consenting in Scotland. These principles are intended to respond to the issues set out in the brief and provide ways forward on each. They should be aligned with the ongoing review of planning and the evidence emerging from SPZ housing pilots and other sources. The approach is intended to be long term and should provide a framework to aid the evolution of upfront consenting in Scotland in appropriate circumstances, including for future situations and target markets which have not yet arisen.

Consented Development Zones (CDZs): Key Principles

PRINCIPLE	ACTIONS
REVISED UPFRONT CONSENTING MECHANISM	
Consented Development Zones (CDZs)	Rebrand and relaunch to signal a more specific, broader, more flexible and more ambitious approach to upfront planning consents in Scotland.
SCOPE	
<p>Target Markets</p> <p>Development which may benefit from and be appropriate for upfront planning consenting via CDZs.</p>	<p>Target markets:</p> <ul style="list-style-type: none"> • Increased range of housing sectors • Town centre regeneration (including conservation areas, see below) • Employment sites: existing, obsolete, new, windfall disinvestment • Area within an NPF economic national priority site <p>Specialist investigations could be aligned with CDZ scheme preparation, for example to undertake an audit of a town centre conservation area or align policy e.g. on niche housing (through HNDA or emerging policy area) or employment needs (through economic development or a regeneration agency).</p>
Protected area exclusions	<p>Areas requiring environmental impact assessment. The recent Circular 1/2017 clarifies the types of development which are required to be screened for environmental impacts. Paragraph 155 (Regulation 37) identifies that no Schedule 1 development can be granted planning permission via an SPZ, nor any Schedule 2 development unless screening opinion or direction confirms that it is <u>not</u> EIA development.</p> <p>Many larger sites worthy of consideration for a CDZ approach may fall into the category of requiring an EIA. The current exclusion would therefore lose potential opportunities. An alternative approach could follow the model for Review of Old Mineral Permissions (ROMP) in the 2017 EIA regulations¹ which allows planning authorities to consider and, if appropriate, require EIA before determining an application. Or, a multi-stage consenting approach as set out in the 2017 regulations could be adopted based upon a “principal decision” to be followed by an “implementing decision”, reflecting respectively the upfront consent then later conformity check embedded within the CDZ process.</p> <p>The English LDO legislation, including the LDO-wide EIA approach seen in Swindon, should be assessed for potential applicability to CDZs.</p> <p>Conservation Area and Listed Buildings. Rather than automatic exclusion, the specific duties to pay special regard to Listed Buildings and special attention to Conservation Areas when determining planning applications could be required considerations when promoting CDZs.</p> <p>A notification of the intention to develop within a Conservation Area could include the opportunity for a planning authority to call-in and review</p>

¹ <http://www.gov.scot/Resource/0051/00518122.pdf>

	<p>specified details of the proposals, against a Design Code setting out the factors taken into account and any limitations.</p> <p>Listed Building consents are typically focused on detail, meaning that it is unlikely that sufficient information about a future proposal would be available to allow pre-consenting (or it may change, requiring revision of the CDZ scheme, or more likely a specific planning application).</p> <p>Historic Environment Scotland and the Teignbridge LDO suggest that local audits can help break down any red-lining into consented and non-consented areas and matters, to avoid blanket exclusion. This is essential if CDZs are to apply in Scotland's traditional town centres.</p> <p>Also excluded from SPZs currently are environmentally protected areas including National Scenic Areas, SSSIs, green belts, or areas excluded by Order. These exclusions should continue for CDZs, although for completeness it is noted here that some major economic activities are non-conforming uses located in greenbelts and could, in theory at least, become windfall disinvestment sites.</p>
LEGISLATION AND PROCESS	
<p>Legislative/ policy form</p> <p>Revise / redraft legislation and Circular to reflect CDZs</p>	<p>Amend legislation and redraft the Circular to reflect planning change in interim (eg. pre-application consultations), CDZ procedural changes and the range of circumstances where the revised upfront consenting mechanism will be considered applicable (or is excluded / exempt).</p> <p>Consent will automatically be granted where the development complies with the CDZ scheme. A certificate of conformity could be provided to a developer upon request, to assist with future due diligence processes. Other consents (see below) would be included within this automatic grant.</p>
<p>Preparation and commencement: development plan alignment</p>	<p>Preparation should typically align with production of the local development plan, which may also subsist for 10 years based on the current planning review, aligning the CDZ expiry or renewal with the LDP. This will aid with the transparency of identifying, testing, publicising and consulting on potential CDZs. It would also allow CDZs to align with infrastructure plans through the LDP Action Programme. It may also allow a strategic environmental assessment to include the CDZ site. However, given the potential to respond to economic events or policy, commencement should be flexible rather than stapled to the LDP cycle. Planning authorities should have the option to consult on and launch a CDZ at any time.</p> <p>The requirement for compliance with the development plan was removed from English LDOs in 2008. This confers a further degree of freedom, unbinding not only the timing but also the development proposals from the plan. As CDZs are proposed here for windfall disinvestment sites, they should take the approach used for planning applications and be determined in accordance with the plan unless material considerations indicate otherwise. Third parties such as landowners, developers, third sector organisations and housing associations should continue to have the opportunity to formally request a CDZ via a planning authority.</p>
<p>Front-loading: preparation, commencement and resourcing</p>	<p>The SPZ obligation upon planning authorities to scan for potential new suitable sites for zoning should continue with CDZs. The potential scope is widened via the target markets noted below and CDZs should be available as a facilitating tool when the need or demand arises.</p> <p>Information requirements to support a CDZ will arise in the early scheme preparation stages. Preparation of SPZ schemes in Scotland to date have ranged across forward planning, development management and LDP</p>

	<p>teams. Promotion of CDZs would support and encourage cross-working between development planning and development management in planning authorities, as well as key agencies and other local authority departments such as roads and education. Consultations suggest that the SPZ/ CDZ preparation may not be as onerous as is commonly perceived – no larger than for example a major planning application.</p> <p>The principle activities to be resourced are planning authority time and resources, applicant time and resources, and any technical studies².</p> <p>Front-loading of delivery through land ownership, any remediation, servicing/ infrastructure and applicable developer contributions is a related consideration; for example the Montgomerie Park Irvine SPZ housing pilot includes local authority front-funding to help attract investment.</p> <p>Although there will be a loss of planning fees, there is less work for the planning authority once a scheme is operational. Building warrant fees and fees for certificate of lawful use (charged in English LDOs, and found to be required in some cases at Scottish SPZs to satisfy lenders) offer further income streams for local authorities arising from the schemes. The emerging Northern Ireland SPZs further suggest that these scheme will reduce the future burden on development management by lowering the number of planning applications.</p> <p>The costs of the three housing pilots are substantial in relation to those sites' housing outputs; pilots will help to streamline those costs but will not entirely defray them. Part of the pilot project reporting could consider the balance of (actual) lost planning fees versus other income streams as above.</p> <p>A system of planning fees, should be considered. This could be payable, when seeking agreement of conformity with the scheme or upon notification to the planning authority of the intention to commence development. It could be a handling fee per housing unit or area of employment or commercial floorspace.</p> <p>The best case studies and examples reviewed for this research invested significantly in upfront technical studies and consultations, often in the form of non-statutory but effective working groups.</p> <p>'Who pays' will range from landowner / developer through local to Scottish Government; all have an interest in seeing development plans and policy priorities delivered. Scottish Government for example could extend the current housing pilots into the target markets noted below, along similar competitive lines to the ongoing planning charrettes mainstreaming programme (ie. competitive bids annually for seed funding to mainstream CDZs).</p> <p>The discretionary public inquiry at the end of the SPZ scheme preparation</p>
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² This balance of upfront work versus benefits was crucial in Ryden's December 2016 planning permission in principle report for the Scottish Government. It is cited by the January 2017 planning review consultation document as a reason for not preferring that option, but instead considering (enhanced) SPZs as is examined in this current research report. As a very broad rule of thumb, development impacts and therefore technical studies and design solutions/ mitigations will increase at least as fast as site size, particularly for housing, in relation to thresholds for major investment at trunk roads and public transport solutions, community infrastructure such as schools, services connections and upgrades, and ancillary commercial and employment uses. This scaling-up and related thresholds may place a natural ceiling on the potential type and scale of CDZs. Designed, costing and committing masterplans and infrastructure solutions for community growth areas may be too challenging to provide blanket upfront consent.

	<p>process could be removed (reflecting a move towards greater powers at a local level), and if a CDZ is prepared in tandem with a LDP then the proposed early gate check on and examination of that development plan could fulfil the public inspection function. Where a scheme is not to be aligned with LDP preparation, then local consultation such as a design charrette may be appropriate. The aim is to make the preparation process less onerous by re-balancing scrutiny away from a formal national process towards more and better local consultation and engagement. The Scottish Government may wish to retain a call-in power in case this is judged to be required as the scope of current SPZs is enhanced and expanded.</p>
<p>Community consultation and engagement</p>	<p>CDZs could be promoted as part of the LDP process and benefit from consultation at that time of site identification and selection.</p> <p>Outside of the LDP cycle, there could be greater flexibility for planning authorities to decide the proportionate extent of community consultation, based upon the specific CDZ scheme rather than the currently prescribed national SPZ standards, perhaps backed by new Scottish Government guidance. Most case studies undertook more than the bare minimum consultation. Charrettes for example are specific to local areas and potentially appropriate for the promotion of CDZs, perhaps aligning too with the emerging proposals for 'community place plans'.</p>
<p>Duration and Monitoring</p> <p>To give certainty beyond Planning Permission in Principle to justify the level of upfront resource required.</p> <p>CDZs in regeneration areas or for novel market sectors may require time to establish a market and stimulate demand.</p>	<p>The CDZ duration could continue to be 10 years, as with SPZs. However, LDOs in England are flexible rather than prescribed – eg. 5 years is common - in line with those being a devolved rather than national mechanism, so there may be potential to introduce that optionality, perhaps via the conditions attached the CDZ. This could be accompanied by an option to renew a CDZ, on a streamlined basis if there are no material changes.</p> <p>There is no statutory requirement to monitor SPZs, however Renfrewshire Council for example has put in place a notification procedure to check when development thresholds are reached. Notification would be appropriate for CDZs of any significant scale, phasing or impact.</p>
<p>Revision or revoke</p>	<p>CDZs should include a review process as seen in Slough, Teignbridge's or Graven Hill LDOs, to open up the potential for some acceptable evolution, such as a thematic change or additional change of use class which was not anticipated in the original scheme but is nevertheless within acceptable parameters.</p> <p>A further evolution could include phasing of CDZ consents within a programme, to provide key agencies and planning authorities with a sufficiently detailed understanding of development proposals and anticipated impacts, as deployed at the large Graven Hill LDO.</p> <p>Consultation/ engagement procedures for revision should be proportionate. Minor changes within the conformity check/ acceptable parameters suggested above might not require consultation/ engagement. This places further emphasis on the quality of the initial consultation.</p> <p>SPZs can currently be revoked or amended at any time by the Scottish Ministers or by the planning authority. English LDOs have removed that national prerogative. CDZs could consider the balance of localism versus national direction, perhaps by having initial pilot schemes which continue the national prerogative, or by setting parameters for appeal against revoke or amendment to create a better balance and provide greater certainty.</p>

<p>Section 75 Agreements and Conditions (MSCs)</p>	<p>S75 / developer contributions, unless waived in particular CDZ circumstances, would be set by the LDP and any associated supplementary guidance.</p> <p>The upfront consent granted by CDZs would require a high degree of collaboration across applicant, planning authority, key agencies and communities. This offers the potential for an applicant/ planning authority co-production of the scheme, and the scope for a Section 75 being signed prior to the CDZ scheme coming into operation (noting that there is no statutory requirement for a section 75 to be tied to a planning application).</p> <p>Where there is no developer or single landowner tied to the CDZ site, upfront consenting could potentially include a new power to impose conditions requiring payment of money, removing the need for any Section 75 Agreements. This condition could be triggered by the request by a developer for a statement of conformity (see legislative policy/ form)</p> <p>Hillington Park SPZ has ongoing collaboration with transport authorities, while Montgomerie Park Irvine Housing Pilot SPZ is working with agencies to develop a structure for infrastructure front-funding and deferred land purchase payments. This aligns well with the infrastructure-first theme in the planning review.</p> <p>Section 51 of the Town and Country Planning (Scotland) Act allows conditions to be specified in an SPZ scheme and this should continue with CDZs, although the objective should be proportionality.</p>
<p>(Alignment of) other required consents</p>	<p>The case studies presented here demonstrate good collaboration with other local authority and external consenting bodies. This approach would be essential for CDZs to operate to their full potential.</p> <p>The Montgomerie Park Irvine SPZ housing pilot offers fast track building warrants and a roads construction consenting (RCC) process which sits within the North Ayrshire Council planning department. Removing barriers to consenting and streamlining the process is desirable for CDZs and is as much a local authority corporate change as a planning system or planning department change.</p> <p>Standard, pre-approved house types to fast-track Building Warrant procedures are also a potential means of accelerating and aligning the consenting process.</p> <p>Under the English system it may be possible to employ an expert to 'self-certify' Building Warrants rather than requesting these from local authority Building Control, creating the potential to align and speed-up the consenting process. Similarly, self-certification of Roads Construction Consent by a suitably qualified expert could be considered for CDZs.</p> <p>Listed Building Consent is still required in SPZs although planning consent is not. This is addressed below under "protected areas exclusions".</p>
<p>FUTURE ACTIONS</p>	
<p>Monitoring and evaluation</p>	<p>The current Scottish SPZ schemes, pilots and emerging proposals should be collated into a formal monitoring and evaluation framework.</p> <p>This should extend over a number of years and also monitor activity in the English LDO sector. The purpose is to begin to build the evidence base beyond the early work in this research report, to allow the development of CDZs (or equivalent) and related policy, guidance and interventions.</p>

1. Introduction

Research Study Brief

- 1.1 The Scottish Government appointed Ryden, in association with Brodies, to research the use of Simplified Planning Zones (SPZs) and equivalent mechanisms used outwith Scotland. The aim is to assess the potential for a more flexible and more widely applicable land use consenting mechanism than SPZs provide at present, including:
- supporting the delivery of housing at scale
 - encouraging alternative housing delivery models
 - achieving an infrastructure-first approach to development
 - supporting areas where market interest has been limited
 - assisting with area regeneration, and
 - delivering improved placemaking outcomes for communities.
- 1.2 In particular the research was tasked to explore particular barriers to or issues currently limiting uptake of SPZs, including conservation area restrictions, environmental impact assessment (EIA), preparation timescales, resourcing, compliance, other consents and developer obligations/ legal agreements, and to identify ways to overcome such barriers.

Simplified Planning Zones

- 1.2 Section 49 of the Town and Country Planning (Scotland) Act 1997 states that “A simplified planning zone is an area in respect of which a simplified planning zone scheme is in force”. A definition of SPZs is provided in the Scottish Government Circular 18/1995 on SPZ’s, which states that:

‘An SPZ scheme grants planning permission for the types of development it specifies within the zone without the need for any individual planning permission.’

- 1.3 SPZs were enacted by this legislation during the 1990s but were not taken up in any meaningful way. Interest has however been rekindled in the potential of SPZs within Scotland’s modernised planning system.

Research Context

- 1.4 The purpose of this SPZ research project is to contribute to the Scottish Government’s commitment to improve the planning system to enable it to meet its full potential. The initial consultation overseen by the Scottish Government’s appointed independent panel led to the panel’s May 2016 report, “[Empowering Planning to Deliver Great Places](#)”, which set out 48 recommendations on how the planning system could be improved. One of the six outcomes prioritised by the independent panel seeks “The delivery of more high quality homes” through pioneering ideas and methods which increase flexibility around housing whilst ensuring delivery. Recommendation 14 states that:

“The SPZ concept should be rebranded and evolved into a more flexible and widely applicable zoning mechanism which identifies and prepares areas to make them ‘investment ready.’ ”

The independent panel was “inspired by the flexibility provided by Simplified Planning Zones and propose(d) that their principles could inform an adaptable approach to zoning areas of land for development including housing”.

1.5 The Scottish Government’s response to the panel’s report agreed with many of the recommendations. It acknowledged that some could be swiftly implemented, while other more radical changes would benefit from further engagement. Accordingly, the consultation paper ‘[Places, People and Planning](#)’, published on 10 January 2017 sets out the Scottish Government’s proposals. The paper is centred around four key areas for change:

- streamlining spatial planning and policy frameworks to create strong, delivery focused development plans;
- empowering communities and public involvement in planning;
- an infrastructure-first approach with a focus on housing delivery and investment; and
- a properly resourced, highly skilled system focused on delivering better places.

1.6 SPZs are incorporated under proposal 12 of Places, Planning and People: ‘Releasing more “development ready” land’. The concept is that **upfront planning consents would be put in place within particular zones**, strengthening the development plan by identifying and supporting development at an early stage. The consultation paper poses questions around the branding, scope and use of zoning to support housing delivery; how the procedures could be improved to allow them to be used more widely in Scotland; and how they are resourced. The Scottish Government has rolled out SPZ pilot schemes to identify issues around speed of preparation, flexibility and links to development planning.

Research Report Structure

1.7 This SPZ research report is presented in the following sections:

- Section 2 presents the **policy and research** review, beginning with the evolution of SPZs within the Scottish planning system and moving on to consider examples from other locations.
- Section 3 reports the findings of two sets of **consultations**. The first is drawn from the public consultation responses to the January 2017 review of planning. The second is a set of interviews undertaken by Ryden for this research project. The consultants are grateful to all those who contributed their time and experience to these consultation exercises.
- SPZs and comparable mechanisms are considered in Section 4 through a set of **case studies** from Scotland and elsewhere, supported by illustrations

of the main consenting processes, and also by other relevant examples which are not full case studies. This research strand was amplified during the project and forms a significant part of the evidence base for the report.

- Section 5 **summarises** the research programme and identifies the **key principles for SPZs** (or equivalent mechanism/s), to address the barriers which the Scottish Government had previously identified for consideration in drafting new planning legislation.

The report annex provides a list of the consultees for Section 3 as well as abbreviations used in the report.

2. Policy and Research Review

Introduction

- 2.1 This section of the report considers the policy and research background to SPZs and equivalent upfront mechanisms beyond Scotland. The review covers:
- The policy context for SPZs in Scotland and how SPZs currently work
 - An introduction to comparable upfront mechanisms used elsewhere
 - A summary of the policy and research review

SPZs in Scotland

- 2.2 SPZs were introduced to Scotland by Section 21A of the Town & Country Planning (Scotland) Act 1972, which obliges planning authorities to consider making such schemes. The SPZ (Scotland) Regulations 1987 established the more detailed procedural requirements for making a scheme. Whilst these powers were available, only four such schemes were adopted in Scotland by 1994. In light of this, procedures were streamlined through section 59 and schedule 11 of the Planning and Compensation Act 1991. The relevant legal procedures are now detailed in section 49 – 54 and Schedule 5 of the Town and Country Planning (Scotland) Act 1997³ and the relevant provisions in the SPZ (Scotland) Regulations 1995⁴ and Order⁵, which replace the 1987 Regulations.
- 2.3 The Scottish Government Circular 18/1995 on SPZs remains in place today and reflects the changes made to Section 59 and Schedule 11 of the Planning and Compensation Act, which sought to streamline procedures. The Circular notes the most significant change via The SPZ (Scotland) Regulations 1995 as the removal of the statutory requirement to have a public local inquiry (PLI) to consider objections to a proposed scheme, with that responsibility delegated to the planning authority to determine whether to consider objections themselves or through a PLI, if more appropriate.
- 2.4 The 1995 Circular notes the general benefits of SPZs for:
- Developers, through streamlining and certainty, saving time, money and effort.
 - Planning authorities, through promotion of lands for a prescribed use; the Circular requires their input in formulating schemes.

³ Town & Country Planning (Scotland) Act 1997:
<http://www.legislation.gov.uk/ukpga/1997/8/part/III/crossheading/simplified-planning-zones>

⁴ The Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1995:
<http://www.legislation.gov.uk/uksi/1995/2043/contents/made>

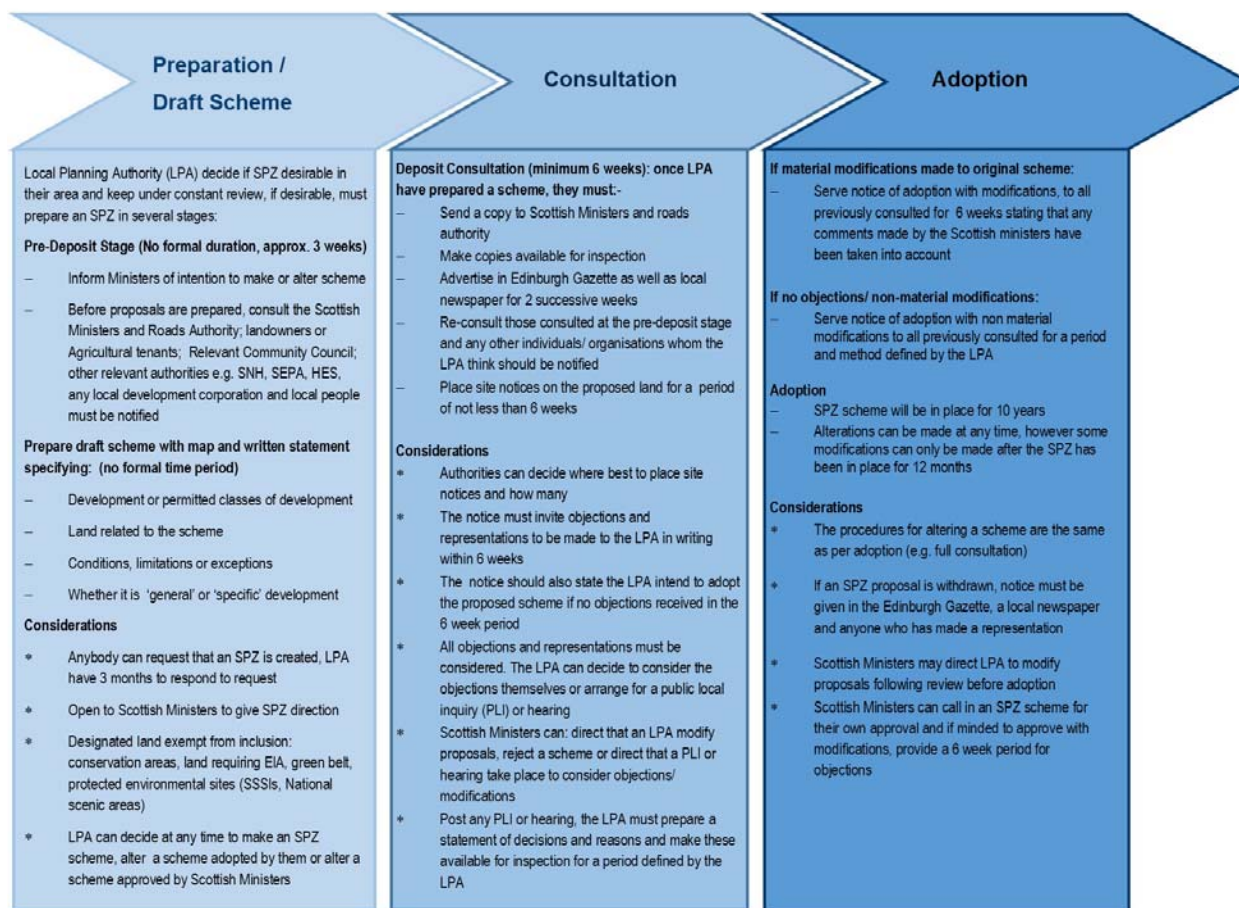
⁵ The Town and Country Planning (Simplified Planning Zones) (Scotland) Order 1995:
<http://www.legislation.gov.uk/uksi/1995/2044/contents/made>

- Overall, through avoidance of planning delays in a context of retaining some flexibility to allow a scheme to be sensitive to changing market conditions.

The Circular also emphasises the role of conditions attached to a scheme in maintaining high standards of development. It acknowledges that SPZs are “normally most appropriate in older urban areas where there is a particular need to promote regeneration and to encourage activity and employment”.

- 2.5 Anyone can propose the use of an SPZ, however planning authorities have to prepare the SPZ and are required by the 1997 Act (as amended) to continuously review the potential for SPZs in their area. In terms of location, there is no restriction on the size of an SPZ; this can be a specific site, several sites or sites with similar characteristics. However, sites with heritage designations including; conservation areas, green belts, national scenic areas, sites of special scientific interest or sites requiring EIA, are excluded from use as an SPZ. The extent of permission through the SPZ can vary and there are two basic approaches. Development can be ‘specific’, which itemises the types of permitted development and by omission any other development types is excluded; or ‘general’ which gives a wide permission covering almost all types of development, subject to any exceptions. The size and character of an SPZ scheme can, therefore, be altered to suit the different aims and objectives of the local circumstances.
- 2.6 An SPZ scheme consists of a written statement, a map and any conditions and limitations (which should not be onerous). If a proposal meets the requirements set out in the scheme then the need for full planning permission is removed. However, the requirement for any other associated statutory consents including building warrant and where relevant listed building applications is not removed.
- 2.7 The flowchart at Figure 1 details the existing SPZ process as per the 1995 Regulations. This includes the requirement for a pre-deposit consultation on the principle of an SPZ for an undefined time, a 6 weeks consultation from deposit of the draft scheme and then the possibility of a further 6 week consultation if material modifications are made following consultations. The planning authority can decide to consider any objections themselves and determine whether modifications are required or use a PLI. Scottish Ministers have the power to call in proposals at any point. On adoption, SPZs will be in place for 10 years and if the planning authority seeks to revise the scheme at any point, the same consultation process will need to be carried out. Alterations relative to the exclusion of land from the SPZ, the withdrawal of planning permission and the imposition of new or more stringent conditions, limitations or restrictions can only come into effect 12 months after approval of the SPZ.

Figure 1: Current SPZ Process, Scotland



Source: Ryden

2.8 A 2003 Scottish Government publication⁶ considered options for SPZs, Business Planning Zones (BPZs) or Local Development Orders (LDOs). BPZs to pre-consent land uses, typically high technology, were under consideration in England & Wales at the time, but were subsequently dropped in favour of amended SPZ legislation. LDOs, reviewed here in Section 4, permit Local Planning Authorities (LPAs) to grant upfront permissions for specified development in defined areas. The Scottish Government 2003 publication noted that SPZs had “not proved popular” and favoured “identifying a role for SPZs and finding a workable designation procedure” over creating new types of zoning. The “continuing problems” with SPZs in 2003 included:

- That automatic planning permission cannot apply to sites requiring EIA (the suggestion in 2003 was to nest SPZ sites within the development plan strategic environmental assessment (SEA)); and
- The requirements for publicity, public participation, merit testing and adoption (the suggestion in 2003 was to align SPZ preparation with development plan preparation, although this could “undermine the use of SPZs to respond to economic needs”).

⁶ Options for Change: Research on the Content of a possible Planning Bill (Scottish Government, 2003)

- 2.9 It is clear that SPZs were initially designed to aid urban regeneration and have traditionally been linked to commercial uses in order to promote economic activity and employment in a designated area⁷. The use of SPZs in Scotland has been extremely limited. However, Enterprise Zones during the 1980s and 1990s to deal with the fall-out of deindustrialisation in Lanarkshire, Inverclyde, Tayside and Highland did offer simplified planning as well as financial incentives. More recently, Enterprise Areas which currently operate across 16 sites in Scotland⁸ are not SPZs, but do offer streamlined planning procedures (these are summarised at paragraph 4.50 of this report).
- 2.10 SPZs are recognised by the third National Planning Framework (NPF3⁹) as a tool which could help achieve Scotland to become “a successful, sustainable place”, promote well-being and attract investment. NPF3 makes specific mention of Scotland’s first SPZ at Hillington Business Park, Glasgow and recognises the use of SPZs as a “new opportunity” in the promotion of appropriate development. Ongoing pilot schemes implemented by the Scottish Government across the west of Scotland are noted as investigating and promoting residential-led development across a range of different tenures and approaches.
- 2.11 Scotland’s Economic Strategy (March 2015) notes that the Town Centre Planning Pilots programme includes a project to establish Scotland’s first town centre SPZ, in Renfrew. The strategy proposes this type of SPZ “removes the need for repetitive planning applications, covering the same range of planning issues, and offers certainty on the type of developments that would be permitted”. The Renfrew town centre SPZ is discussed below at paragraph 2.14.2¹⁰.
- 2.12 As noted at paragraph 1.4, the independent review of planning proposed in May 2016 that SPZs should be rebranded and evolved to widen their applicability as a zoning mechanism to identify and prepare areas to make them investment ready. In response, the Scottish Government’s January 2017 consultation paper ‘Places, People & Planning’ identifies SPZs as a method to address the ‘Building More Homes and Delivering Infrastructure’ key area for change, in order to ensure delivery of high quality homes and the creation of better places where people can live healthy lives. To facilitate this, the Scottish Government proposes at recommendation 12:

“Releasing more ‘development ready’ land: Plans should take a more strategic and flexible approach to identifying land for housing. Consents could be put in place for zoned housing land through greater use of Simplified Planning Zones. “

⁷ In *Planning* (paragraph 9.42, 4th Edition, 2016), Collar – a contributor to this research report – describes SPZs as “intended to encourage development to take place where it is needed to promote regeneration and economic activity.”

⁸ Enterprise Areas are grouped by sector rather than the geographic approach taken by Enterprise Zones; the sectors are life sciences, low carbon / renewables, general manufacturing and growth sectors.

⁹ No specific reference to SPZs is found in NPF or NPF2

¹⁰ This is supplemented by the Town Centre Simplified Planning Zone How to Guide (Scottish Government and Renfrewshire Council, October 2015)

- 2.13 Places, People & Planning also discusses a more wide-ranging option to grant planning permission to allocated development plan sites¹¹. It notes however that improving the use of SPZs could be a “simpler way of strengthening the development plan and establishing the need for development at an early stage” with the objective of ‘making plans that deliver’ more efficiently. This identifies the capability of SPZs - or similar mechanisms - to make plans more flexible, while also providing certainty for all parties using the planning system. Echoing the independent review of planning, the consultation paper also proposes the rebranding of SPZs. The Scottish Government sought responses to the proposals set out in Places, People & Planning and has provided these for this research report (see Section 3).
- 2.14 Existing Scottish SPZs in place at Hillington Park and Renfrew Town Centre are discussed below:
- 2.14.1 Hillington Park, which covered land across Glasgow and Renfrewshire’s boundary, was Scotland’s first SPZ in modern times upon its adoption in 2014. The creation of the zoned business scheme, extending to over 200 hectares, was initiated by the landowner in collaboration with Renfrewshire Council and Glasgow City Council. Its creation spanned 2 years before being adopted. At the time it was recognised that the use of SPZs was rare in a Scottish planning context. The scheme at Hillington Park focuses on economic growth and job creation. Split into three zones, the SPZ provides variety in use classes, building heights and protected land. A case study of Hillington Park SPZ is presented in Section 4.3.
- 2.14.2 Following the successful adoption of the SPZ at Hillington Park, Renfrewshire Council initiated Scotland’s first town centre SPZ, in Renfrew. This seeks the regeneration of the town’s central area, supporting the ‘Town Centre First Principle’ and collaborative working with businesses and property owners, with the objective of attracting new jobs and investment and promoting town centre living. It provides a tool for placemaking and retaining high standards of development, while offering flexibility for growth and adaptation of businesses. A case study of the Renfrew town centre SPZ is presented in Section 4.4.
- 2.15 In October 2016 the Scottish Government launched the SPZs housing pilots’ fund¹². This invited bids from local authorities, or partnerships with local authorities, to test SPZs’ ability to promote town centre living, support remote

¹¹ Paragraph 1.43 of the consultation paper. This potential change was reviewed in Ryden’s December 2016 report to the Scottish Government, ‘Research Project to Consider Planning Permission in Principle for Sites Allocated in the Development Plan’. The January 2017 consultation paper does not propose to enact that change, suggesting instead that SPZs might form part of alternative response under the Building More Homes and Delivering Infrastructure theme. See also footnote 25 on page 71 of this report.

¹² Empowering Planning to deliver great places: Simplified Planning Zone housing pilots: Pilots Fund (October 2016). The initiative was trailed in A Plan For Scotland: The Scottish Government’s Programme For Scotland 2016-2017, which states (p.76) that SPZs to attract investment and promote housing delivery will be implemented ahead of legislative change in the forthcoming Planning Bill.

rural communities, and help diversify housing types and delivery. SPZ housing pilot status and Scottish Government funding awards were made to North Ayrshire, Dumfries and Galloway, and Argyll and Bute Councils:-

2.15.1 The **Dumfries & Galloway Council and Architecture + Design**

Scotland SPZ housing pilot will adopt a 'Plot Passport' model. This SPZ is in the process of being co-created along with private sector consultants and input from site owners and communities, to support innovative housing delivery and diversification of housing types and supply. The pilot focuses on providing rural communities with self-build and affordable housing choices for first-time householders as well as more mature families.

2.15.2 North Ayrshire Council's SPZ housing pilot aims to help address population decline through the delivery of up to 30 houses as part of a wider masterplanned area at **Montgomerie Park, Irvine**. The location has been developed to date by national housebuilders, while the SPZ scheme will target land parcels at small and medium enterprises and self-build developers to promote variety and choice in a challenging residential market. The existing development of c.500 houses means that major infrastructure is already in place. The SPZ aims to work collaboratively across public and private sectors to allow deferred land payments and front-funded infrastructure to boost investor appeal. A fast-track building warrant is included and a bespoke consenting model including national key agencies. The SPZ pilot is based around establishing a design code – but not a prescription - which reflects established character and will be influenced by residents of Montgomerie Park as well as end users and interested developers.

2.15.3 Argyll & Bute Council's SPZ housing pilot seeks to deliver 25 units across two sites on **Mull** (a greenfield plot at Salen) and in **Lochgilphead** (a brownfield former primary school site), with the objective of countering population decline. It aims to work with communities to explore new ways of planning and delivering residential dwellings, with a focus on self-build and affordable homes. The local authority is seeking to promote partnership working to tackle infrastructure issues with the aim of giving confidence to self-builders to invest, ultimately reducing risk.

2.16 **Energetica** in Peterhead is a non-housing Scottish Government SPZ pilot project. Aberdeenshire Council has agreed to progress with the preparation of an SPZ scheme in Peterhead. The scheme has drawn upon the experience of Hillington Park SPZ summarised above and in Section 4.3. It covers 55 hectares of employment land which is currently a mix of partially developed, brownfield and greenfield land. It is anticipated that the SPZ scheme will attract a range of business operators and commercial activity in line with a more diverse industry in the north-east moving away from a reliance on oil and gas and towards alternative energy, the seafood industry and food & drink. Increased revenue arising from development is expected to assist in offsetting the local authority resources expended in preparing the scheme. The Peterhead Development Partnership, a local independent body comprising public, private and third/voluntary sectors and the wider community set up in June 2016, supports the SPZ proposals. The scheme's preparation is still at inception stage and promoter Energetica is now moving into the notification process to Scottish

Ministers and the roads service, prior to embarking on statutory consultation with relevant authorities, land owners and the local community.

- 2.17 In addition to these Scottish Government-sponsored SPZ pilots, Scottish Borders Council is currently consulting on a draft SPZ scheme being brought forward alongside supplementary planning guidance (SPG) in respect of **Central Borders Business Park, Tweedbank, Galashiels**. The SPG provides a framework vision for the future development of the sites which are allocated within the Local Development Plan. Alongside the SPG is the SPZ which will create an employment-led redevelopment, with the aim of encouraging investment and contributing to an improved business environment at Tweedbank. The business park incorporates Tweedside Industrial Estate and Tweedside Park to the east of the Tweedbank rail terminus. The arrival of the Borders Railway in 2015 is identified as an opportunity for the regeneration of a range of outdated, vacant and substandard building stock to contribute to a high quality business park environment, improving its appeal for inward investors. Strategic areas of the site adjacent to the railway terminus to the north-west remain undeveloped and mixed use development is promoted. The area is expected to benefit from the simplification of the planning process to facilitate efficient delivery and rapid response to market demand.
- 2.18 Beyond these formal SPZ projects, Ryden is aware through market intelligence of confirmed interest in the SPZ concept from other local authority areas in East Central Scotland and in Northern Scotland.

SPZs (and equivalent upfront consenting mechanisms) outwith Scotland

- 2.19 The Planning (**Northern Ireland**) Order 1972 initiated the concept of SPZs into the province's legislative framework. The Order was consolidated by the Planning (Simplified Planning Zones) Regulations 1990 which specified provisions for the procedural issues associated with their implementation by the Department of the Environment (DOE), the centralised planning decision making body. Up to 2009, the DOE had yet to exercise its SPZ powers and this remains the case in 2017. However, planning reform proposals in 2009 noted the potential economic benefits of SPZs including:

- Greater certainty of outcomes for developers;
- Removal of financial and administrative burden of planning submissions;
- Reducing the burden on development management by lowering the number of planning applications in the system.

The Planning (Northern Ireland) Act 2011 retained SPZs within amended legislation due to these identified benefits. In 2015, as part of the decentralisation of planning powers, The Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015 regulations then delegated to newly-formed local authorities the powers to prepare, adopt and modify SPZs. These are currently being promoted and consulted on. The aim is for SPZs to be assessed over an extended period which would allow successes, failures and outputs to be evaluated. Although there are not yet any SPZ case studies to consider from Northern Ireland, the process is reviewed and compared with Scotland's SPZs in Section 4.

2.20 Relevant planning mechanisms in **England and Wales** include SPZs, Local Development Orders (LDOs) and Housing Zones. English SPZs and LDOs are presented as case studies and processes in Section 4, however, there are limited examples in Wales. A brief chronology of these upfront consenting mechanisms is presented below:

2.20.1 LPA's have been able to produce **LDOs** since the introduction of the Town and Country Planning Act (1990), under Section 61, amended by the Planning and Compulsory Purchase Act 2004. The 1990 Act also made provision for the creation of SPZs under section 83 and these procedures were streamlined by the Planning and Compensation Act (1991) and the Town and Country Planning (Simplified Planning Zones) Regulations 1992.

2.20.2 The Planning Act (2008) made it easier to establish LDOs by removing the need for orders to support policies set out in Local Development Plans. The Act excludes any reference to SPZs, with existing schemes transitioning to LDOs in future and eventually superseding SPZs. The Growth and Infrastructure Act 2013 removed the requirement for the LPA to submit the order to the Secretary of State before adoption for consideration of whether to intervene. Instead, this was replaced by a requirement to notify the Secretary of State as soon as practicable after adoption. The Development Management Procedures Order England (DMPO) (2015) states that LDOs grant permission for types of development set out in the Order Schedule which meet the requirements of the associated Design Code and planning conditions. Developers can still apply for planning permission, for other types of development, within an area affected by an LDO, however, the LDO will be a material consideration in the assessment. Since their introduction in the 1990s, LDOs have predominantly been used by LPA's to promote business areas across England. The first LDO to be used in Wales was implemented in 2015 by Newport City Council.

2.20.3 In 2014, the Department of Communities and Local Government (DCLG) identified that LDOs should be used by LPA's for brownfield land and housing in a response to pressurised housing market areas. LPA's would be required, by 2020, to place LDOs on over 90% of brownfield land that is suitable for housing which does not already have planning permission. The aim is to provide up to 200,000 new homes on this land. Following this, the Town and Country Planning (Brownfield Land Register) Regulations 2017 adopted in April 2017 places a duty on each LPA's to maintain a register of all brownfield sites suitable for residential development; each LPA must publish their register by December 2017.

2.20.4 These new policy measures have been accompanied by incentives for LPA's who wish to develop LDOs. Grants have been made for 18 schemes delivering more than 100 homes each. DCLG along with the Planning Advisory Service ran LDO pilot housing projects in 2015 with four LPA's to develop best practice advice on developing LDOs for smaller brownfield housing sites; two of these are presented as case studies in section 4 of this report.

2.20.5 In 2015, DCLG announced twenty areas across England as the first Housing Zones, together with eight areas where government will work with LPA's to develop their plans to help deliver up to 45,000 homes on brownfield land. Additional benefits of Housing Zone designation include recoverable investment from the UK Government, Public Works Loan Board borrowing and priority access to expert planning and technical support.

- 2.21 Strategic Development Zones (SDZs) in the **Republic of Ireland** were established through the Planning and Development Act (2000) and have been used to fast track the planning process where development is considered to be of national importance. SDZs were implemented to enable the fast delivery of new residential and non-residential development. There are six SDZs in Dublin and most recently they have been used to generate employment and economic activity to aid recovery from the aftermath of the 2008/09 recession. The SDZ process, case studies and an example are presented in Section 4.
- 2.22 In **northern continental Europe**, upfront stimulation of investment can be observed in countries such as Denmark, the Netherlands, Germany and Sweden. The challenge, for research, however is separating the planning element from upfront delivery of serviced land via ownership, infrastructure, public goods and other forms of consent. Section 4 considers some published materials on these as additional examples to supplement the SPZ/ SDZ/ LDO case studies, with the caveat that these operate within planning, infrastructure and development market models particular to their own countries.

Summary

- 2.23 SPZs were introduced in Scottish planning legislation in 1972 and streamlined in 1991. Section 49-54 and Schedule 5 of the Town and Country Planning (Scotland) Act 1997 detail the legal procedures involved in establishing a SPZ together with the 1995 SPZ Regulations and Order. The relevant guidance remains the 1995 Circular which explains the provisions and notes the benefits of SPZs for developers, planning authorities and generally in terms of promoting planning certainty while retaining some flexibility for future change. The Circular emphasises the suitability of SPZs for economic regeneration. Research into a possible Planning Bill in 2003 noted that SPZs had not been popular and suggested finding workable procedures, noting in particular the challenges of environmental assessment and consultation.
- 2.24 Most recently, SPZs are noted in Scotland's Economic Strategy (March 2015), the third National Planning Framework 2014 and the January 2017 consultation Places, People and Planning, as having the potential to deliver development and support place-making, with a new emphasis and suggested evolution to include housing as well as economic regeneration.
- 2.25 Existing SPZs at Hillington Glasgow/Renfrewshire (employment), Renfrew (town centre) and new SPZ housing pilots in Argyll & Bute, North Ayrshire and Dumfries & Galloway offer a combination of early evidence and emerging concepts to test the potential evolution of SPZs in Scotland. Further emerging employment SPZs are noted in Aberdeenshire and Scottish Borders. Outwith Scotland, re-emerging interest in SPZs in Northern Ireland, LDOs in England (and earlier SPZs in England) can help to inform the potential evolution of SPZs

in Scotland. Finally, although their focus tends to be upon comprehensive delivery rather than just consenting, upfront mechanisms in the Republic of Ireland and Northern Continental Europe are informative in helping to frame the research.

3. Consultations

Introduction

- 3.1 Enhancing the role of Simplified Planning Zones (SPZs) in Scotland would affect the planning system and its participants – planning authorities, landowners, communities, developers and associated professionals. This chapter assesses their views through two work streams:
- Responses to the Scottish Government’s public consultation on the Planning Review’s recommendations, specifically here in relation to SPZs. The responses summarised here were reviewed by Ryden and are not the views of the Scottish Government; a formal review of all responses to the public consultation is being undertaken separately by consultants¹³.
 - Direct consultations with a wide range of planning and property market participants undertaken by Ryden to inform this research project.

The two write-ups are organised differently: the public consultation responses are summarised by the types of respondent (planning authorities et cetera) to tease out different viewpoints around the broad concept of SPZs; while the direct consultations are reported by theme to reflect the more specific focus of those interviews on particular aspects of SPZs.

Places, Planning & People: Public Consultation

- 3.2 Upon the publication of *‘Places, People & Planning’* on 10 January 2017 the Scottish Government held a period of public consultation to 4 April 2017. This returned 450 responses from individuals, community bodies, private sector consultants, infrastructure agencies, other professional companies and the third sector¹⁴ as well as house builders, developers and planning authorities.
- 3.3 Question 20 of the consultation paper was directly related to Proposal 12: “Releasing more ‘development ready’ land for housing”, and requested comment on the following questions:
- 20. What are your views on greater use of zoning to support housing delivery?
 - 20a. How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?
 - 20b. What needs to be done to help resource them?

¹³ The Planning Review analysis of consultation responses prepared by Kevin Murray Associates and University of Dundee was published while this SPZs draft report was being reviewed by the Scottish Government. It assesses comments on SPZs at pages 64-66 under Proposal 12: Releasing more ‘development ready’ land for housing. See: <https://beta.gov.scot/publications/planning-review-analysis-of-consultation-responses-june-2017/>

¹⁴ Not public sector or profit-making private sector, eg. charities

From the total number of responses, 'SPZ' or 'simplified planning zone' were mentioned 97 times (22% of all consultation responses). These responses are considered below.

- 3.4 Responses from **developers, landowners and housebuilders** tended to support wider use of land zoning to support housing delivery in Scotland, as it was thought that this would provide certainty on the nature of development and infrastructure associated with sites and help to streamline the planning process. The majority also suggested how SPZs or consented development mechanisms might be improved. Some questioned the use of SPZs in their present format; there was universal agreement among the development community that these should be rebranded as 'investment / development ready zones', 'consented development zones', 'development ready land', or 'ready planned land' rather than 'SPZs'.
- 3.5 Several respondents requested further information on how the proposed zoning to support housing delivery on a large scale would actually work in practice and wished to reserve comment until such times that further research had been undertaken and the Scottish Government-supported pilot schemes bore tangible outcomes.
- 3.6 Respondents concur that implementing design codes and careful planning through a masterplan approach is imperative in achieving placemaking objectives and ensuring high quality environments. This will require time and resources, but housebuilders and other potential investors would benefit from enhanced certainty around accepted uses and acceptable design. One housebuilder felt that funding and resourcing of a scheme should be paid for by the landowner, in order to reimburse a planning authority for the costs incurred in its production. It was suggested that local authority-owned sites could recoup expenditure through disposal of the land.
- 3.7 One housebuilder noted the resource requirements and suggested that greater use of SPZs will not help to deliver significant amounts of housing quickly, however another suggests that greater use of consented development zoning to support housing delivery would streamline the planning and delivery process.
- 3.8 A housebuilder who supports the wider use of SPZs goes on to advocate the upskilling of local authority planners through increased training to inform and enhance community engagement during the creation of proposed schemes. Consents should be based around the approval of a masterplan and compliance with a design code. A prior notification period of 28 days should be implemented and no developer obligations sought due to the respondent's perception of economic and social benefits of SPZ development in urban areas.
- 3.9 A land agent supports the use of 'ready planned' zones as a method of assisting and enhancing housing delivery. Potential zoned areas should be identified in the Local Development Plan (LDP) and would provide greater certainty to developers as well as simplifying the process. They do however query how zoning would work in practice, as if there is no role for section 75 legal agreements, then infrastructure delivery cannot be guaranteed.
- 3.10 A landowner suggests that SPZs have potential for housing and other types of development if pursued in a carefully planned fashion, with placemaking at the

heart of site design. In their view developers should not be held responsible for costs incurred in the creation of the scheme and a centrally funded approach is preferred. A fellow landowner advocates a joint venture approach between planning authorities and developers to create an appropriate scheme, supported by Scottish Government funding.

- 3.11 Generally, the housebuilding industry recognises the potential of SPZs in supporting small scale and custom build homes. SPZs could also strive to support mainstream sectors, *if* they can offer a viable solution to large scale delivery, such as greater upfront commitment to sites or marketing of sites. There is some uncertainty over what types of housing or development is expected to be assisted by SPZs, and how.
- 3.12 Housing Associations support the wider use of SPZs in the delivery of housing as this increases certainty for developers and helps reduce delays in the planning and delivery process. This is conditional however upon carrying out detailed community engagement, which will require resources (increased, ring-fenced planning fees are suggested). SPZs offer the opportunity to create and deliver better quality places and can be zoned to facilitate a range of housing types and tenures.
- 3.13 Responses submitted by **planning authorities** were notably more mixed in comparison to those provided by the development industry. While there was general support for the wider use of SPZs or a similar mechanism, a view prevailed that such a mechanism could not benefit all types and scale of housing development. More than one-quarter felt that SPZs could only benefit small sites including custom and self-build housing.
- 3.14 Of 19 responses submitted by planning authorities referencing SPZs, 4 stated that such a mechanism should not be relied upon to deliver large scale housing and that SPZs cannot stimulate or create housing demand. Several planning authorities also felt that SPZs should be limited to business and commercial use, as design and place-making are less critical than in housing-led development. One authority is concerned that introducing SPZs within areas of high demand for housing would risk jeopardising the quality of siting, layout and design of a development. However, they support the delivery of industrial and commercial development through consented zones. This approach is supported by a group of authorities who feel that SPZs are most suited to homogenous land used for employment purposes, in order to streamline the process and speed up delivery. Small scale, rural housing sites as are also noted as a prime opportunity for utilising SPZs. Several local authorities feel that SPZs (or upfront planning permission in principle) could be granted for small-scale 'non-sensitive' sites which are free from environmental or heritage constraints.
- 3.15 The establishment of development parameters and acceptable land uses to respond to local circumstances would be welcomed. SPZs should not bypass the community engagement stage, as this would disenfranchise communities, particularly in the case of larger sites.
- 3.16 Upfront resourcing to create SPZs is a concern for planning authorities. Creating design codes and SPZ schemes will deliver certainty for developers. The majority of planning authority respondents are in favour of retaining fees or compensatory payments from the developer to recover cost outlay. One

advocates a local levy as a substitute for fees, developer contributions or a legal agreement to ensure cost recovery. This could be set at standard level across the SPZ. They also encourage the simultaneous processing of Roads Construction Consent with the conditions of an SPZ scheme. Another authority believes that the onus of improving layout, siting and design of housing should fall upon the developer. One envisages developer input to successfully market SPZ sites, as these are thought likely to be in regeneration areas. One suggestion is that SPZs should be a “supportive tool rather than an alternative mechanism” for delivery of housing.

- 3.17 In terms of going beyond current SPZs, planning authorities would like to see a clear definition of acceptable development, particularly in respect of housing where the degree of certainty which can be provided is questioned. Two authorities envisage zoning mechanisms to assist the delivery of large, mixed-use, allocated development sites, primarily on greenfield land. One envisages a ‘development ready’ approach to allocated housing sites, rather than SPZs.
- 3.18 Views differ on the alignment of SPZ promotion with development planning. Some planning authorities see advantages to aligning SPZ site selection with the LDP review process. Countering this is the view that SPZs should not be limited to the plan-preparation stage and should be free to be promoted and implemented during the lifetime of an LDP. A further response simply queries where SPZs will fit within the LDP cycle. Streamlining of the SPZ process is requested, due to complexities in establishing and implementing schemes – with the aim of stimulating delivery of development.
- 3.19 Just over half of **community bodies** making comment on SPZs voiced opinion against their wider use. This is particularly in relation to the potentially negative implications for community engagement; this concern appeared across disparate geographies and multiple community bodies. Twenty-three percent of community respondents did however support greater use of SPZs in Scotland. Others would like more information on how these would work in practice. Those expressing some support cautioned that a careful, design-based approach is required to avoid a ‘one size fits all’ approach to development. Oversight by an architect, greater consultation and creation of design codes are suggested. One community body suggests that SPZs can deliver housing through careful integration of amenities and infrastructure via greater upfront resources. Some however stated that all residential development should be subject to a planning application and SPZs may offer an easy route for developments to fall under less scrutiny.
- 3.20 An ‘investment ready’ approach to zoning land did however attract some support from community bodies. A register of zoned, small scale urban brownfield sites could be held by planning authorities alongside a list of interested parties; this approach is being taken in England. This would support sites less likely to attract volume house builders, and is more likely to appeal to self- and custom- build markets. One respondent extended the zoning concept to “multi-purpose and mixed-use areas”, based upon masterplanning.

- 3.21 All private sector **advisers and professional bodies** responding support the wider use of SPZs or a similar zoning mechanism¹⁵. This is particularly in the interests of widening development options beyond the current sites which are typically attractive to volume housebuilders, for example to attract custom building and deliver suitable housing for an ageing population.
- 3.22 Substantial upfront resourcing would be required in order to deliver successful housing development via SPZs or zoning, to ensure appropriate early site selection, scrutiny, design codes and masterplanning, supported by a technical evidence base and public engagement. Upskilling of planners is suggested to facilitate this. A collaborative approach is envisaged across planning authorities, Scottish Government, key agencies and other stakeholders, with high quality design standards rigorously enforced. There are concerns over the potential impacts of SPZs upon the historic environment. Alignment of SPZ promotion with development plan preparation is suggested.
- 3.23 Greater detail is sought on the provision and delivery of infrastructure and on legal agreements. One respondent suggests that developer obligations should be exempt where SPZs create positive economic and social benefits, while another encourages a public resource to assist with financing the preparation of SPZ schemes and supports only modest levels of developer obligations.

Research Project Consultations

- 3.24 A total of **25 consultations** were undertaken by Ryden with the following groups:
- 10 planning authorities
 - 7 agencies, organisations and associations
 - 8 developers and consultants

A list of the organisations and individuals consulted is provided in the Annex to this report. The discussion below is organised by theme. A preamble to each consultation explored the respondent's familiarity with SPZs or other upfront consenting mechanisms; this is not summarised below but did help to inform the range and detail of each discussion.

- 3.26 The **advantages** of SPZs and comparable upfront consenting mechanisms were discussed with consultees. The principal advantage is (by definition) certainty of and potentially speed of securing a planning consent, and therefore greater confidence of delivering development with its attendant benefits. Timing and risks of development delivery are reduced, partly by moving design control to a much earlier stage of the process. This can help to promote clarity for all parties and, potentially, higher quality, better designed developments which can set the tone for a wider area vision – a “statement of intent”.
- 3.27 SPZs are felt to offer greater certainty than development plan site allocations, which are still subject to the “inherent risks” of “political influence, planning

¹⁵ The similarities between a zoning approach and planning permissions in principle for allocated development plan sites are noted by some respondents.

committees and other material considerations”. Flowing from this, developers would have greater confidence to invest in upfront infrastructure. If development is consented and key agencies have committed upfront, this would bring “clarity at the outset” to developer obligations, Section 75 Agreements and infrastructure provision. Coordinating all stakeholders at an early stage in this way is seen as positive, and indeed SPZs could become local authority-developer co-productions. These advantages are felt to have the potential to stimulate development in less attractive market areas or for sites which were previously unappealing. In this regard the SPZ housing pilots are seen as worthwhile in promoting investment and effective local engagement.

- 3.28 An attendant advantage mentioned is the opportunity for local planners to have greater influence and gain more skills in influencing development; “proper planning for local authority planners” in the words of one consultee; “putting design back at the centre of local authority planning” for another, including supporting local distinctiveness as a variation from volume building. On a broader basis, local authorities would benefit from a mix of SPZ new development, infrastructure, revenue income (e.g. Council tax from new housing) and marketing and promotion of the area. Selection, preparation and adoption of SPZs by local authorities would be preferable to, for example Enterprise Zones which were “chosen by the government”. One consultee seeks clarity over whether SPZs signal that the Scottish planning system will move towards becoming a facilitator, rather than a ‘gate keeper’, for new development.
- 3.29 **Disadvantages** of SPZs or comparable mechanisms mentioned by consultees are important not just to provide balance, but also as areas for potential improvement to encourage their wider use. The principal disadvantage is the requirement for upfront work to plan and consult on proposed SPZs, and the related potential for that work to be under-resourced for reasons of staff constraints, costs or haste. Under-resourcing could lead to, for example, loss of design control or weak public engagement. Loss of planning application fees to the local authority is noted as a disadvantage, given the work required to prepare and implement a SPZ.
- 3.30 Balancing the need for positive influence over development design with an element of flexibility was also mentioned as a disadvantage (although perhaps more correctly it is a tension). Upfront consenting does not remove development risk and without a mechanism for retrospective change post-consent – other than a fresh planning application or new SPZ scheme – the SPZ itself could become constraint upon investment. In terms of flexibility, there is a risk that developers may see SPZs as an “easy touch” to avoid the scrutiny and fees associated with a planning application. Housing in particular was felt to present challenges of incorporating place-making and good design principles while also simplifying the planning process, although the current Scottish Government housing pilots were noted as being potentially helpful in demonstrating this.
- 3.31 Consultees were asked whether SPZs or similar mechanisms can help to **deliver developments within a development plan**. Responses to this were mixed and dependent upon circumstances. A fresh development plan with viable sites might bring into question the need for SPZs, while simplified planning is also available through for example permitted development rights. Most consultees however suggested that delivery of development could be potentially improved, subject to local circumstances, a willing landowner, proper assessment of site viability,

closer working between development management and development planning, and processing agreements including mechanisms to address delays.

- 3.32 The fit of SPZ preparation within the development plan cycle attracted mixed views. Aligning the identification, examination and adoption of SPZ sites with preparation of the development plan is appealing; for example community consultation, key agency engagement and site appraisals could all be undertaken at the same point, encouraging delivery. Specialist work for example to review a town centre conservation area could also be aligned. Countering this is the view that SPZs may require to respond to economic need or opportunity and therefore won't automatically align with development planning cycles. The 10-year SPZ duration provides greater certainty than the 3-year duration of a planning permission in principle.
- 3.33 The consultation area which attracted most discussion was the **potential uses for SPZs**. These are grouped thematically by types of location and land uses:-
- 3.33.1 Consultees tend to view SPZs or equivalent mechanisms as a **regeneration** tool for brownfield sites – “where normal development processes are not suitable”. The design can be adapted from the surrounding area (if urban brownfield). Some consultees associate SPZs with local authorities investing upfront to create serviced, consented land in regeneration areas and recouping that investment through site sales.
- 3.33.2 **Employment and commercial** uses were suggested by some as the most suitable targets for SPZs, due to their homogeneity of design including across multiple phases. This includes not only new-build extensions or new areas, but also investment to modernise existing industrial areas for existing or new occupiers.
- 3.33.3 **Town centre** SPZs attracted some discussion. It was felt that SPZs could assist with the priority attached to town centre investment and regeneration, building upon health checks and audits and helping to address market failures, by promoting ease of investment and flexibility of uses. Other incentives and interventions would be required too. The range of complementary and conflicting uses in town centres do however present a challenge to this. Pre-consenting would require early consideration of further regulatory consents in relation for example to environmental health, historic environments or licensed premises.
- 3.33.4 Informed by the current SPZ housing pilots and the planning review, **housing** attracted the most comment and discussion. The large majority of consultees see SPZs or equivalent mechanisms as most suitable for encouraging a more diverse range of smaller and specialist housing developments – self-build, custom-build, local small and medium-sized enterprise (SME) builders, assisted living, housing for the elderly, step-down care, entry level local housing/ first-time buyers, key worker housing, affordable housing generally, co-housing, build-to-rent housing, living above the shops in town centres, or other priorities, either under public ownership or with a willing landowner.
- 3.33.5 The use of SPZs to deliver large scale / volume housing, on the other hand, is a new concept and developers would be likely to continue to use

the current route of submitting planning applications, unless the SPZ route was collaborative with a planning authority and infrastructure agencies, and therefore quicker/ more certain. Larger housing sites can have complex requirements such as education and transport and are phased. The degree of change is more important than the scale of development (for example brownfield regeneration may not add significant new impacts). Good masterplanning may be more appropriate than SPZs for larger housing sites. The most positive responses on SPZs for volume housebuilding saw that it might be appropriate case-by-case, say for stalled sites or major regeneration areas, or areas of homogenous design.

3.35 Having explored these potential uses for SPZs, the consultations went on to discuss the **barriers** to SPZs and to upfront consenting generally. The barriers cited were wide-ranging, from perceptions, to the planning system, other regulations and funding. As with the disadvantages noted earlier at paragraph 3.29, an understanding of the barriers can help to shape potential revised or new mechanisms. Barriers are discussed by theme below:-

3.35.1 As noted above, the provision of sufficient and detailed technical **information** and the related **resources** to develop an SPZ scheme is seen as a potential barrier. It was suggested that fees could be paid to support work by planning authorities to create an SPZ, but also that place-making and economic development are among a local authority's roles, so cost-sharing is appropriate. It was suggested that once the scheme is in place the lack of planning fees may be offset by the need not to examine proposals in any detail. One consultee suggested that an alternative means of capturing income from the increased land value could be found.

3.35.2 **Lack of knowledge and engagement** is viewed as a multi-faceted barrier. There is limited understanding of what SPZs are and an association with employment uses only. Early and straightforward engagement with communities and elected members is required, to allow them to understand the benefits and that this is not an "any development goes" approach. Case studies and guidance are required to market the SPZ approach to planning authorities and developers too.

3.35.3 Consultees suggested that new planning mechanisms alone **may be insufficient to make upfront consenting effective**. A range of other interventions may be required in the form of land ownership (or single, willing third party ownership), site remediation and infrastructure provision. A specific barrier is where banks / lenders will not accept SPZ compliance as equivalent to a formal planning permission consent, meaning that a certificate of lawful use must be sought (at a fee and taking time, contrary to SPZ aims). Infrastructure planning and delivery was raised by consultees as crucial to SPZs, although it was noted that an infrastructure-led approach is central to the planning review rather than a specific SPZ matter and may be addressed at a broader level; the extent of detail in the planning conditions for the housing pilot projects will be of interest to consultees. A cautionary point was made that SPZs should ensure that all infrastructure and community obligations are met, and are not used to exclude areas and externalise contributions to other sites.

3.35.4 Reflecting the specific exclusions of SPZs from **conservation areas** and sites requiring **EIA's**, consultees raised these as barriers, particularly the former in respect of town centres. Consultations suggested that an approach to conservation areas and listed buildings could be developed using audits which establish the requirements for and scope of those consents. This could 'pick away' at constraints applying to buildings, paving, walls et cetera, to create a streamlined approach in a given area, recognising that new uses encouraged by an SPZ can "secure the future of historic buildings".

3.35.5 Further **regulatory barriers** beyond planning were cited by consultees. Building warrants are currently separate but could run in tandem with SPZs; one consultee suggested that self-certification as is used in England could be adopted. Delays to obtain Roads Construction Consents were also mentioned. The general impact of these multiple regulations is that SPZs are time-consuming to develop and may still contain a range of exclusions / additional consents to be sought.

3.36 Finally, **rebranding of SPZs** was discussed with consultees. The current perception that SPZs are not widely recognised led consultees to different conclusions. Some, including existing SPZ operators, like the term and see an opportunity to "recharge" a mechanism which has a clear role, while others see an opportunity to adapt and re-name an upfront consenting mechanism. On balance the latter was favoured, and in particular 'simplified' should be removed as it is misleading both in terms of the other consents required and the potential for misinterpretation as an "easy touch". Variations on "ready planned", "consented development areas or zones", or "investment ready zones" were mentioned by consultees.

Summary

3.37 This SPZ research project has benefited from 97 public consultation responses and a further 25 detailed interview consultations undertaken during the research programme. The responses provide a broad mix of views and suggestions which can inform the evolution of the SPZ concept in Scotland.

3.38 Development industry respondents favour a rebranded zoning approach which can streamline processes and provide greater confidence in delivery, but would like more clarity on developer obligations and infrastructure alignment and delivery. Planners are also supportive of greater use of zoning or SPZs, subject to clarification on control over development design and how the initial workload for such schemes would be resourced. Respondents see both benefits and dis-benefits in aligning SPZs with the development plan preparation cycle.

3.39 Respondents recognise the suitability of SPZs for smaller, less complex sites and business space, but have difficulty in seeing the opportunity of scaling-up the approach to complex major housing sites. SPZs are largely seen as a regeneration tool, which might be extended to assist the planning and delivery of non-market housing in the rented, affordable, care, self and custom-build, and 'local builder' sectors. Re-branding of SPZs if they are evolved in this way is broadly supported.

- 3.40 All respondents - but in particular community bodies - see enshrining public engagement and design codes as critical elements in preparation of SPZs to secure quality development and place making. The potential for an early, upfront collaborative approach between SPZ applicants, planning authorities, key agencies and communities is seen as positive and an encouragement to investment in infrastructure.
- 3.41 Barriers to greater use and evolution of SPZs in Scotland cited by respondents were wide-ranging. In addition to the regulatory and consenting barriers covered elsewhere in this report, the main concern is the requirement for upfront engagement and technical studies to achieve the consented SPZ scheme. There is no clear consensus around funding of this upfront work, nor the loss of planning fees associated with applications; preferences ranging from Scottish Government funding, through resourcing by planning authorities, to payment by developers or landowners. There is agreement however that upfront work is essential to set the correct parameters for design quality and a balance between certainty and the flexibility to respond to changing conditions. More broadly, a lack of knowledge of SPZs and the potential need for other forms of intervention to deliver development were also mentioned as barriers.

4. Case Studies and Examples

Introduction

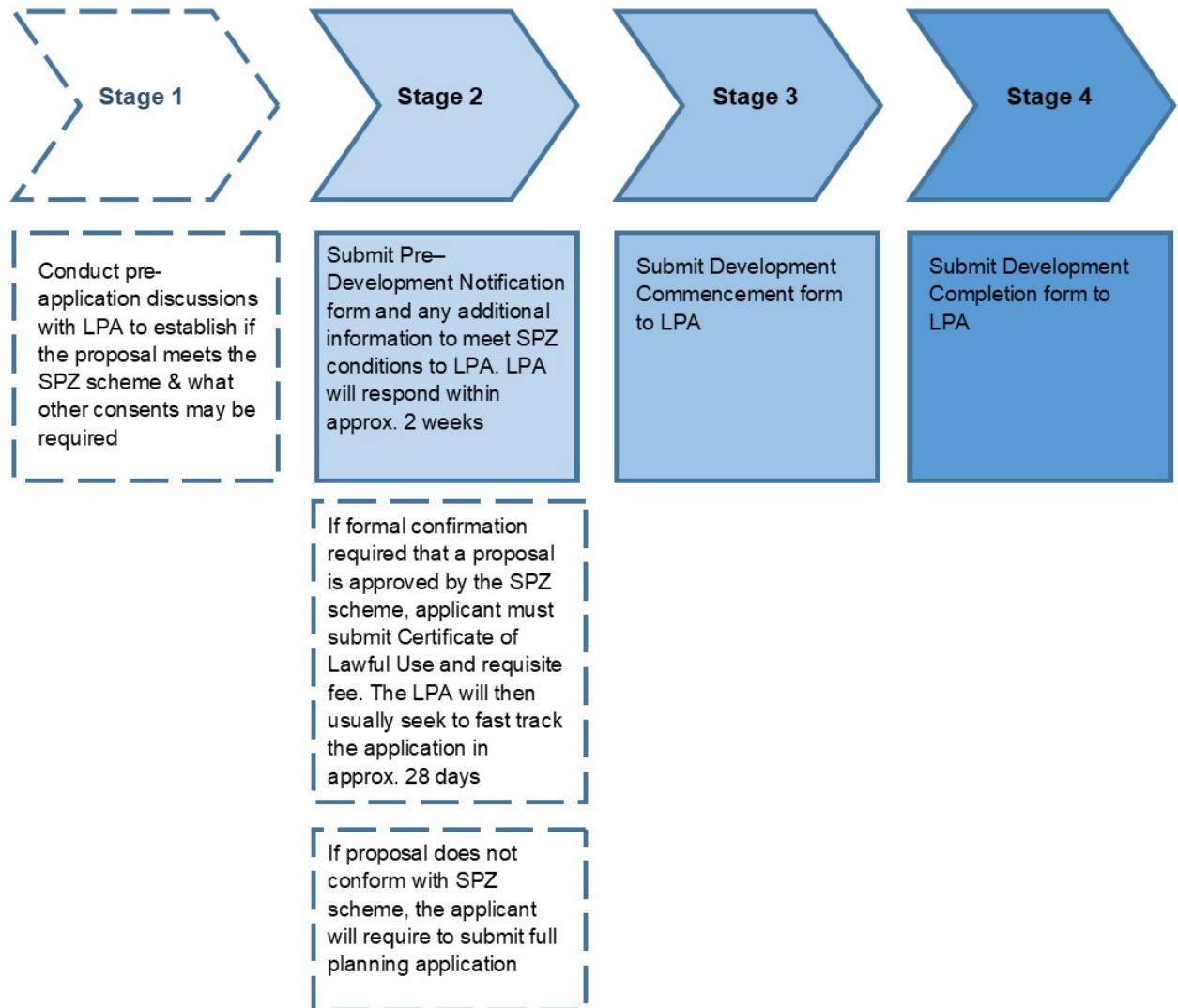
- 4.1 The research project considered a wide range of Simplified Planning Zones (SPZs) and equivalent upfront consenting mechanisms. The aim is to inform the potential for a more flexible and more widely applicable land use zoning mechanism by providing a picture of current practice beyond Scotland.
- 4.2 This chapter will, firstly set out in detail existing processes of upfront consenting mechanisms used across the United Kingdom and how these differ to SPZs in Scotland in terms of regulatory processes and practice. The consenting mechanisms include: SPZs in Scotland, England and Northern Ireland; LDOs in England; and SDZs in the Republic of Ireland.
- 4.3 A set of nine case studies was chosen to cover this range of mechanisms, as well as different development types, scales and geographies. A standard format is used to interrogate each case study in terms of; scope, preparation, timescales, resourcing, relationship with other consents and infrastructure delivery. Flowcharts have been developed to showcase the process of each mechanism, to allow easy cross-referencing and comparison with Scottish SPZs. The case studies below are supplemented by examples of other relevant consenting mechanisms.
- 4.4 Drawing meaningful comparisons from these case studies and examples is challenging in two ways:
- First, in some cases it is not simply the planning mechanism which is of interest, but also the related delivery of infrastructure and development; this means that it can be difficult to isolate and attribute impact to the 'planning policy part'; and
 - Secondly, the process of planning policy change means that actual evidence tends to be of historic examples, while potentially more novel approaches have yet to yield results.

Simplified Planning Zones, Scotland

- 4.5 A Scottish SPZ is an area where the need to apply for planning permission is removed for certain types of development in a defined area, as long as the development complies with the details and guidance set out in the scheme. A SPZ requires the preparation of a scheme (map and written statement), by the planning authority, which details the types of development and nature of uses that are permitted together with any limitations, conditions and guidelines that a development proposal must comply with. Development can be 'specific', which itemises the types of permitted development and by omission any other development types is excluded; or 'general' which gives a wide permission covering almost all types of development, however, lists the exceptions. Where proposals comply with the scheme, the need to apply for planning permission is removed.

- 4.6 The existing Scottish SPZ process is set out in the Circular 18/1995 and the process was illustrated on Figure 1, page 9. It affords local government control over preparation, consultation and adoption, however, the Scottish Ministers can intervene at any point. There is a statutory requirement for pre, during and post deposit stages, although only the deposit stage has a statutory timescale of 6 weeks for representations. The 10-year duration is fixed and for alterations the same procedure as for making an SPZ would need to be followed, including all statutory consultation. If the planning authority receives any objections during the consultation period, they can either consider these themselves or arrange a PLI. Additionally, Scottish Ministers are consulted on the draft scheme and have the power to direct that a local inquiry or other hearing take place to consider objections submitted and / or modifications proposed. Alterations relative to the exclusion of land from the SPZ, the withdrawal of planning permission and the imposition of new or more stringent conditions, limitations or restrictions only come into effect 12 months after approval.
- 4.7 Overall, the existing Scottish SPZ process does achieve its objective of pre-consent for certain agreed types of development, subject to conditions; this is demonstrated through the case studies below. It is however, comparatively rigid and top-down in terms of its preparation timescale and activities, stages, duration, potential to modify if circumstances change and exemptions. The wider appeal and scope for SPZs to evolve which is sought by the planning review is likely to require greater flexibility to make the scheme adaptable and proportionate to a range of circumstances. The existing restrictions on certain types of developments and location may be limiting the potential of SPZs.
- 4.8 The conformity process set out on the Figure 2 flowchart on the next page is non-statutory and mirrors the 'Scottish SPZ experience' from the applicant's perspective as highlighted in the case studies. This conformity process allows certainty for both applicants and the planning authority and could potentially be built into a revised consenting process.
- 4.9 Case studies 1 and 2 over the following pages provide detailed reviews of currently operational SPZs in Scotland, at Hillington Park and Renfrew Town Centre respectively. This is followed by comment on the English SPZ process.

Figure 2: Conformity Process, SPZ Scotland

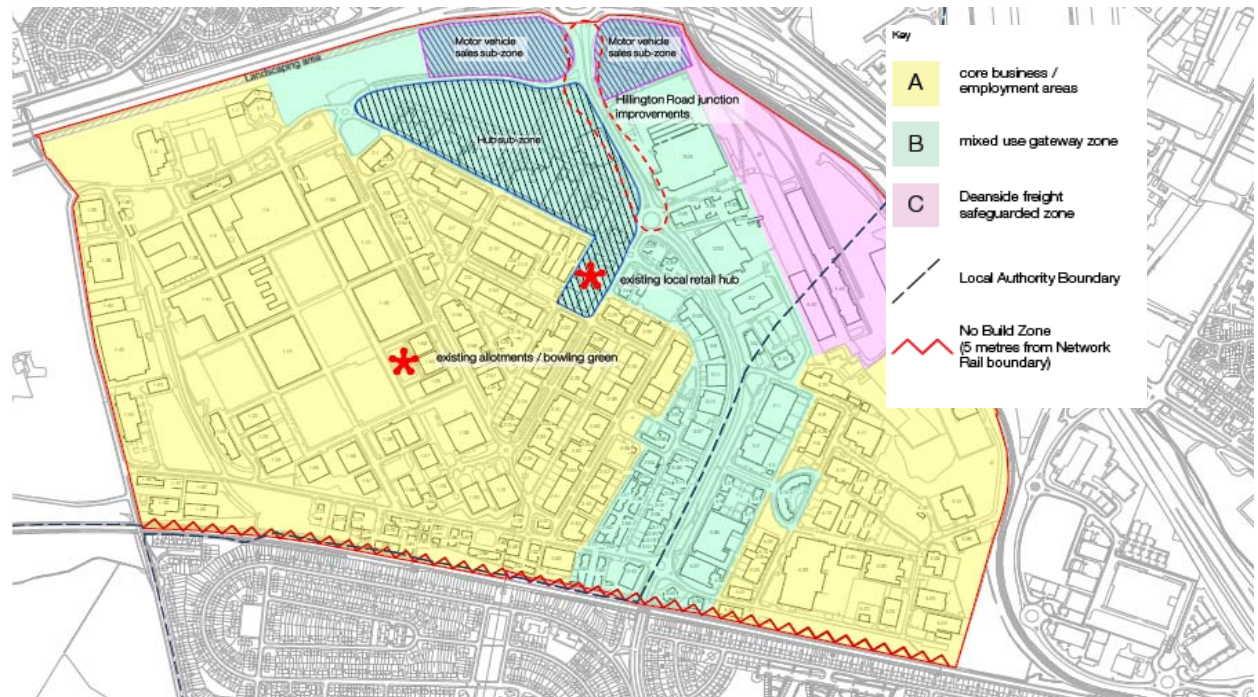


Source: Ryden

*Non- statutory process

Case Study 1: Hillington Park SPZ, Renfrewshire Council & Glasgow City Council

Figure 3: Hillington Park SPZ Masterplan



Source: Hillington Park SPZ

4.10 Project Background

Hillington Park is one of Scotland's largest business parks, covering nearly 200 hectares, with around 495,000 sq.m of existing floorspace and home to around 500 organisations. The existing business site situated adjacent to the M8 motorway and Glasgow Airport performs well but exhibits obsolescence of buildings and vacant land.

The previous landowner, MEPC, had successfully delivered LDOs on similar sites in England, approached Renfrewshire Council to prepare the SPZ. The aim was to encourage investment across the existing business park and deliver sustainable economic development on 30 hectares of vacant land and deliver approximately 85,000 sq.m. of additional floor space.

The Hillington Park SPZ scheme was prepared jointly by Renfrewshire Council and Glasgow City Council, with significant input from the landowner, and adopted in 2014. It became the first SPZ to be adopted in Scotland in 25 years.

4.11 Scheme

The SPZ scheme consists of: a written statement setting out the purpose of the SPZ, development parameters and operation of the scheme; a masterplan; design & landscape framework and transport design guidance. The SPZ scheme removes the need to apply for planning consent for development where it complies with the scheme and conditions attached.

The focus of the SPZ Scheme is on core business and employment uses, in line with existing LDP policy. The Scheme also recognises the opportunity to introduce further ‘complementary uses’ and ‘non-conforming uses’ such as small-scale retail, leisure and motor vehicle sales operations. This is in order to not only serve the existing organisations and make the park more sustainable and attractive but also to enable diversification in the park for the future.

The SPZ area has three zones, for which the masterplan and design guidance set out the development parameters in each, specifying; **type** of permitted development (e.g. change of use, alterations to existing buildings, new development of certain use classes); and **quantity** of development (scale, floor space, building heights) permitted across each zone. The development parameters and zoning manages the quantum and location of proposed development, while allowing flexibility for developers in terms of design. The three zones are:

- Zone A: The core business/ employment uses zone covers the majority of the area and remains the focus for use classes 4, 5 and 6. Some complementary uses are also permitted and building heights can be up to 12 metres (this is reduced on the southern boundary parallel to the railway line).
- Zone B: The mixed use zone covers the gateway entrances and allows for a wider variety of uses. Building heights are less uniform to reinforce the gateway character through taller, landmark buildings. A ‘Hub Sub Zone’ is identified which allows for supportive uses such as leisure and small scale retail. A motor vehicle sales sub-zone is also identified at the frontage, providing a gateway with innovative design. Uses classes 4, 5 and 6 are not excluded from the sub-zones.
- Zone C: This is the Deanside freight safeguarded zone.

The SPZ scheme does not affect existing, or subsequent amendments to permitted development rights, nor does it prevent a prospective developer from applying for planning permission for development falling out with the Scheme’s development parameters. In such cases, proposals will be assessed by the respective planning authority on their individual merits, having regard to the Development Plan and to the strategic importance of Hillington as a business and industrial location.

The Hillington Park SPZ is summarised in Table 1 over the next three pages.

Table 1: Hillington Park SPZ Summary

Scope	
Scheme promoter / landowner	Renfrewshire Council (lead) with Glasgow City Council in collaboration with current majority landowner, Patrizia (formerly MEPC)
Objectives	Provide greater flexibility for businesses to develop new premises and facilities or adapt existing premises and tackle obsolescence.
Site constraints	Existing business site - EIA screening requested, no EIA required
Preparation / Adoption	
Timescales	10 months from preparation to adoption: <ul style="list-style-type: none"> October 2013: Request made by MEPC to Renfrewshire Council/ GCC to prepare an SPZ scheme at same time as an EIA screening request to both authorities (EIA was not required) Preparatory studies and consultation carried out Scheme adopted August 2014 with no objections
Consultation	<p>Pre-Deposit (3 weeks)</p> <ul style="list-style-type: none"> Scottish Ministers notified of intention to progress SPZ scheme 3 week consultation with owners of land and property within the area, community councils and statutory bodies e.g. Transport Scotland, SEPA and SNH ended 19/2/14 A fact sheet about the proposals and supporting information was made available and neighbour notification letters issued A public event was held at the Innovation Centre in Hillington Park on 06/02/14 for interested parties to view & comment on proposals - an advert was placed in related press <p>Deposit</p> <ul style="list-style-type: none"> Following receipt of pre-deposit comments, the scheme was prepared and placed on deposit from 21/5/14 - 18/07/14 Notice was served on all parties previously consulted Copies of the proposals were made available for public inspection at council offices, council websites, Hillington Park, www.tellmescotland.gov.uk, adverts were placed in local press and Edinburgh Gazette for 2 weeks and site notices were displayed <p>Adoption</p> <ul style="list-style-type: none"> No objections were received and minor modifications were made following the consultation period (a schedule of modifications is available online) The Scottish Ministers notified Renfrewshire and Glasgow City Councils that they did not intend to modify or call in the scheme An advert was placed in the Evening Times and Renfrewshire Gazette for 2 weeks serving notice that both Councils intend to adopt the scheme without material modifications. Notice period expired 26/09/14 and SPZ adopted 01/10/14
Costs / Funding	Approximately £200k, met by majority landowner MEPC.
Costs required	<ul style="list-style-type: none"> Technical Studies: EIA Screening opinion, Air Quality Assessment, Drainage Guidance, Ecological Survey, Flood Risk Assessment and Outline Drainage Assessment, Landscape & Visual Appraisal, Lighting Assessment, Noise & Vibration Assessment, Renewable and Low Carbon Technologies Statement, Socio-Economic Impact Assessment, Sustainable Transport Strategy, Waste Management Strategy, Transport Assessment, Design Guide Consultation events and supporting material
Resourcing	1 Planner Renfrewshire (Development Plans and Housing Strategy Team Leader) and 1 Planner Glasgow City Council (Development Management).
Scheme	
Duration	10 years (2014 - 2024), not concurrent with the Development Plan.

Conditions	<ul style="list-style-type: none"> • Compliance with the SPZ scheme • Compliance with Travel Plan, Design Guidance, Landscape Framework, Hillington Park Transport Design Guidance and Building Heights • No retail sales from Class 5 and 6, any ancillary trade sales should be no more than 20% of ground floor • Waste and recycling • Cycle and car parking provision • Contamination • Highways and Access works • Building heights and bird hazard management (Hillington is located near Glasgow Airport) • Drainage and flooding
Developer Contributions	S75 agreement: transport contributions are triggered on a development threshold basis. Transport working group established between the landowner, Transport Scotland and both planning authorities.
Conformity Procedure	<p>Applicants are required to submit notifications to the planning authorities prior to the commencement of development:</p> <ul style="list-style-type: none"> • Pre-development notification and any additional information required by conditions, the planning authority will respond in writing within 10 working days to acknowledge the development proposal. • The planning authorities aim to discharge pre-commencement conditions within 28 days, but in practice the majority have been discharged within 2 weeks which is a shorter timescale than normally expected for a full planning application • Development commencement form and development completion form should be submitted by the applicant for monitoring purposes <p>If formal confirmation is required that a proposed use or development is in line with the SPZ scheme, an application for a Certificate of Lawfulness is required with the requisite application fee and the planning authority will endeavour to determine the application within 28 days - faster than the usual 8 week process.</p>
Alignment with other consents	Compliance with the scheme only relates to planning permission and an applicant must still obtain other statutory consents e.g. building warrant, advertisement consent and listed building consent. Although there is no formal mechanism in place to fast track proposals for other consents, the planning departments have ensured that colleagues in other departments are aware of the proposals and work with the developer early in the process to obtain the necessary consents.
Review	
Progress	<p>Since adoption (2014), the planning authorities have been notified of approx. 28,000 sq.m additional floor space (£25m investment), including:</p> <ul style="list-style-type: none"> • Erection of two car showrooms, two motor trade showrooms, five new industrial buildings, smaller refurbishments and change of use • 8,000 sq.m of development was speculative industrial floor space, which is the first of its kind at the park in a decade • Potential for a 4,5000 sq.m trade park which has active pre-let interest • The SPZ has now been in operation since August 2014 and in response to strong demand for new industrial floorspace, both planning authorities with the majority landowner are looking into altering the scheme • No notifications have been submitted which do not comply with the scheme, however, a few pre-applications enquiries have been submitted which do not comply, mainly due to the type of use or scale of floorspace resulting in standard planning applications being submitted. <p>The SPZ project received a Scottish Award for Quality in Planning for Partnership working and was Shortlisted in the RTPi Awards for Excellence in Decision Making in Planning (2015).</p>
Issues	<ul style="list-style-type: none"> • On two occasions, banks have not accepted that the proposals are permitted as there is no planning consent, resulting in developers applying for certificates of proposed lawful use (CPLU) at both financial cost and time delay - however, these are fastracked to 28 days as opposed to 8 weeks for usual CPLU applications • Awareness raising with statutory consultees e.g. Scottish Water, Transport Scotland took time

Lessons learnt	<ul style="list-style-type: none">• Site benefited from having a large majority landowner promoting the SPZ and fronting the cost for preparatory work and surveys• Success of the scheme required extensive early consultation with statutory bodies and stakeholders• Extensive conditions could have been reduced• Good example of two planning authorities working well together to benefit the development• Both planning authorities keep up to date lists of notifications for monitoring which are available to view online along with all supporting information• The success of Hillington Park is now being used to inform the preparation of SPZs in other areas of Scotland, such as Energetica at Peterhead.
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Case Study 2: Renfrew Town Centre SPZ

Figure 4: Renfrew Town Centre



Source: Renfrew Town Centre SPZ

4.12 Project Background

Renfrew Town Centre SPZ was initiated by Renfrewshire Council as part of the Scottish Government's Town Centre Planning Pilots and became Scotland's first town centre SPZ in 2015. The funding also aided in supporting Renfrewshire Council share the experience of setting up the SPZ with other planning authorities. The 'specific' scheme seeks to support the town centre first principle by supporting existing businesses and promoting the town centre. It aims to boost collaborative working with businesses and property owners with the objective of attracting new jobs and investment, enhancing the town centre and promoting town centre living, by ensuring that planning controls are proportionate through the SPZ scheme.

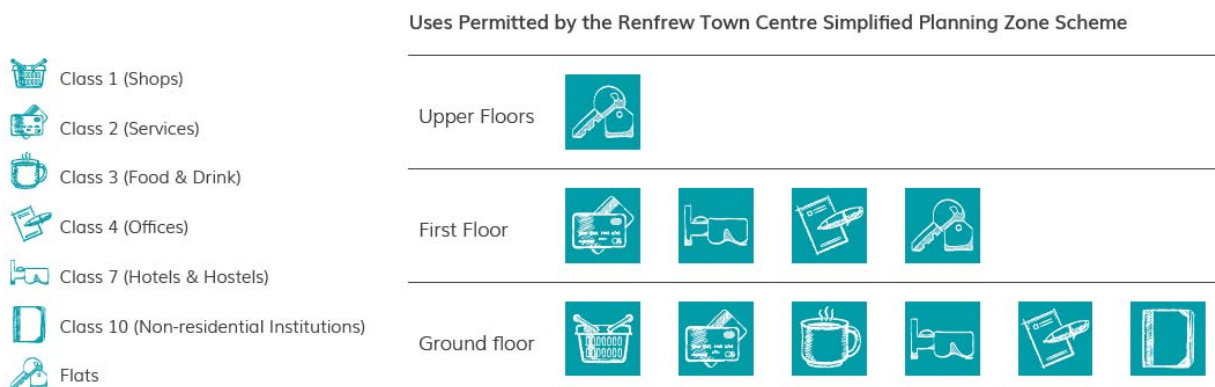
4.13 Scheme

Renfrew Town Centre SPZ allows for certain changes of use for a number of town centre uses, external alterations, and other minor works within the SPZ boundary without the need for a planning application, subject to their compliance with the development parameters and conditions detailed in the scheme. New build development or extensions to existing premises are not permitted and would require a planning application. Under the Town and Country Planning (Use Classes) (Scotland) Order 1997, certain changes of use can occur without the need for planning permission. The Renfrew SPZ Scheme increases this flexibility and permitted changes of use and restrictions include:

- Ground Floor: Class 1 (shops), Class 2 (financial/ professional/ other services), Class 3 (food and drink, excluding public house or hot food takeaway, no more than three adjoining class 3 units are permitted), Class 4 (business), Class 7 (Hotels), Class 10 (non-residential institutions).
- First Floor: Class 2, Class 4, Class 7, Flats (excluding HMO premises)
- If the number of class 1 units fall below 40% of the total number of commercial units in the town centre, the scheme will not permit the change of use of retail to any other use.

- The scheme does not permit the change of use of residential to any other use.
- Minor external alterations to buildings and shop front improvements subject to compliance with Renfrew Town Centre SPZ Design Guide.

Figure 5: Renfrew Town Centre SPZ Permitted Uses



Source: Town Centre Simplified Planning Zone 'How to Guide', Renfrewshire Council & Scottish Government, 2015

The SPZ scheme does not prevent prospective applicants from applying for planning permission for development proposals which fall out with the Scheme's development parameters, such as new build development or extensions to existing properties. The scheme also does not affect existing permitted development rights.

Table 2 summarises the main features of the Renfrew Town Centre SPZ.

Table 2: Renfrew Town Centre SPZ Summary

Scope	
Scheme promoter / landowner	Renfrewshire Council promoter. Various landowners across the town centre.
Objectives	Focus on supporting businesses and town centre living by permitting change of use for a number of town centre uses, including conversion of upper floors to flats and shopfront improvements
Site constraints	Site contains several A, B and C listed buildings
Preparation	
Timescales	9 months from preparation to adoption: <ul style="list-style-type: none"> Funding awarded November 2014 9 month preparation including consultation Adopted August 2015 with no objections or modifications
Consultation	<p>Pre-Deposit (3 weeks)</p> <ul style="list-style-type: none"> Scottish Ministers notified of intention to progress SPZ scheme 3 week consultation with owners of land and property within the area, community councils and statutory bodies Hand delivered consultation letters/ fact sheets to all businesses and owner/ occupiers in the town centre - allowing awareness raising in the town centre and for officers to discuss proposals face to face with local people Renfrew Community Council & Renfrew Development Trust were also consulted Public event held <p>Deposit consultation (6 weeks)</p> <ul style="list-style-type: none"> Scheme prepared and placed on deposit for 6 weeks Notice was served on all parties previously consulted

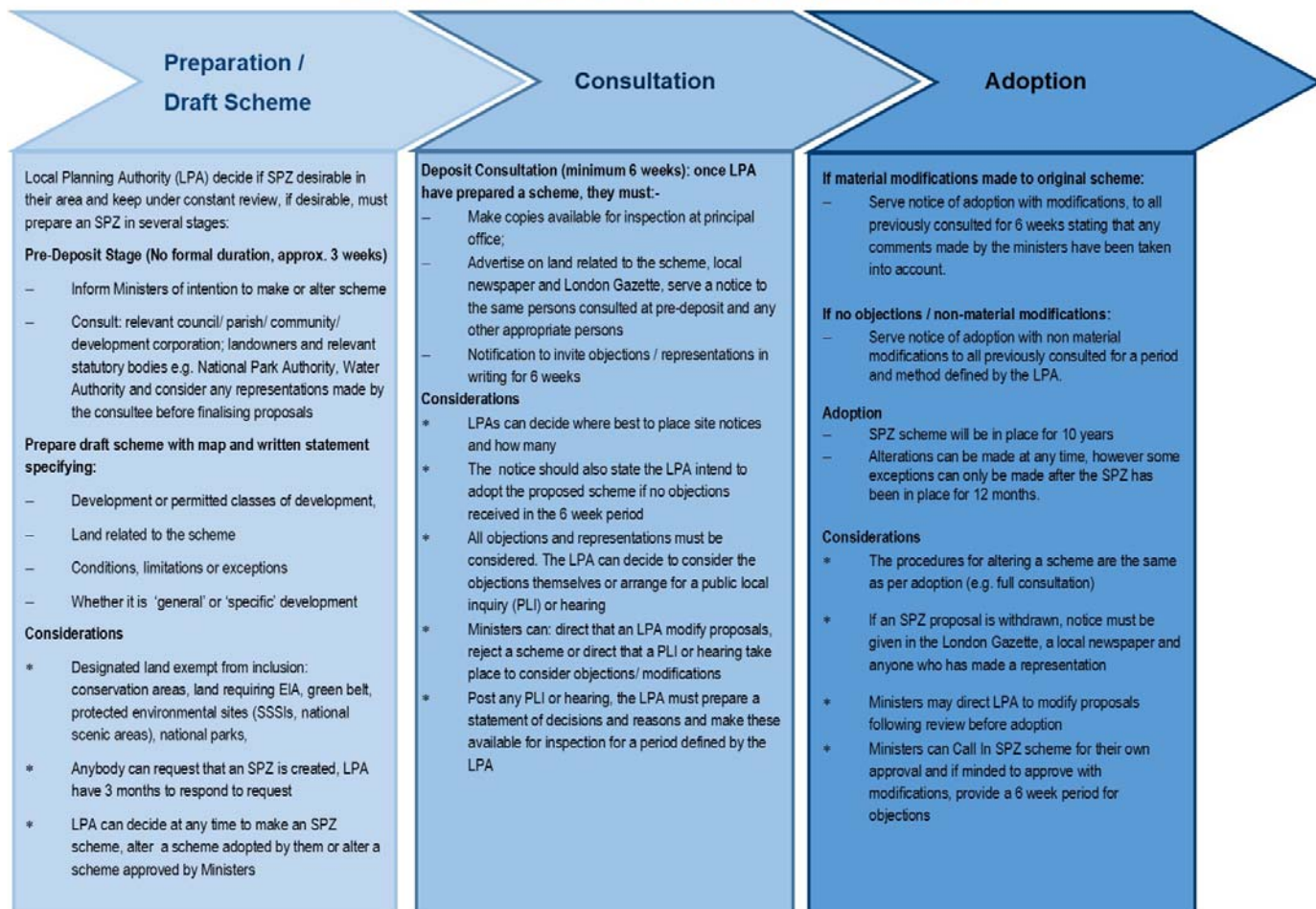
	<ul style="list-style-type: none"> Copies of the proposals were made available for public inspection at council offices, council websites, www.tellmesotland.gov.uk, adverts were placed in local press and Edinburgh Gazette for 2 weeks and site notices were displayed <p>Adoption</p> <ul style="list-style-type: none"> No objections received and no modifications made. The Scottish Ministers notified Renfrewshire that they did not intend to modify or call in the scheme An advert was placed in the Evening Times and Renfrewshire Gazette for 2 weeks serving notice that Renfrewshire Council intend to adopt the scheme without material modifications.
Costs / Funding	Approximately £15,000, funded by Scottish Government Town Centre Planning Pilots
Costs required	Preparation work: legal title searches, adverts, consultation, preparation of supporting information and publication costs
Resourcing	1 Planner (Development Plans and Housing Strategy Team Leader)
Scheme	
Duration	10 years (2015 - 2025), not concurrent with the Development Plan
Conditions	<ul style="list-style-type: none"> Compliance with the parameters of the SPZ scheme Compliance with the Renfrew Town Centre Design Guide Waste and Recycling Units which involve hot food consumption must agree with the planning authority the details of ventilation/ extract flue Residential flats must have windows to the front and rear of the property Noise levels at residential properties Plant and machinery noise levels
Developer Contributions	No developer contributions sought
Conformity Procedure	<p>Applicants submit notifications to the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> Pre-development notification and any additional information required by conditions, the planning authority will respond in writing within 14 working days to acknowledge the development proposal and discharge any conditions; Development commencement form and development completion form are required for monitoring purposes <p>If formal confirmation is required that a proposed use or development is in line with the SPZ scheme, an application for a Certificate of Lawfulness is required with the requisite application fee and the planning authority will endeavour to determine the application within 28 days, quicker than the usual planning application process of 8 weeks.</p>
Alignment with other consents	Compliance with the scheme only relates to planning permission and an applicant must still obtain other statutory consents e.g. building warrant, advertisement consent and listed building consent. Although there is no formal mechanism in place to fast track proposals for other consents, the planning department has ensured that colleagues in other departments are aware of the proposals and work with the developer early in the process to obtain the necessary consents.
Review	
Progress	<ul style="list-style-type: none"> Six notifications have been submitted to Renfrewshire Council, 4 have been for alterations to shop front and two for change of use proposals for occupation of vacant units within the town centre One proposal required alterations to improve the design to meet with the scheme - the proposal was for alterations to a shopfront of a listed building The vacancy level in the town centre pre-SPZ was 9%; two years after the SPZ adoption it has reduced to 5%
Issues	The site boundary includes certain listed buildings which would not require planning permission for approved changes of use under the SPZ scheme, but would still be subject to listed building consent.
Lessons Learnt	<ul style="list-style-type: none"> No developable areas so very limited conditions were attached to the scheme There has not been a dramatic change in types of uses. As well as the SPZ, the council has a range of actions to support reuse of vacant buildings under the Renfrew Town Centre Strategy.

Simplified Planning Zones, England and Wales

4.14 Figure 6 sets out the English and Wales SPZ process as set out in the Town and Country Planning Act 1990 Act and Town and Country Planning (Simplified Planning Zones) Regulations 1992 and Planning Practice Guidance 5. The designation of SPZs in England has been subject to the same control as exists in Scotland. Figure 7 sets out the conformity process as per the Slough SPZ, which is non-statutory.

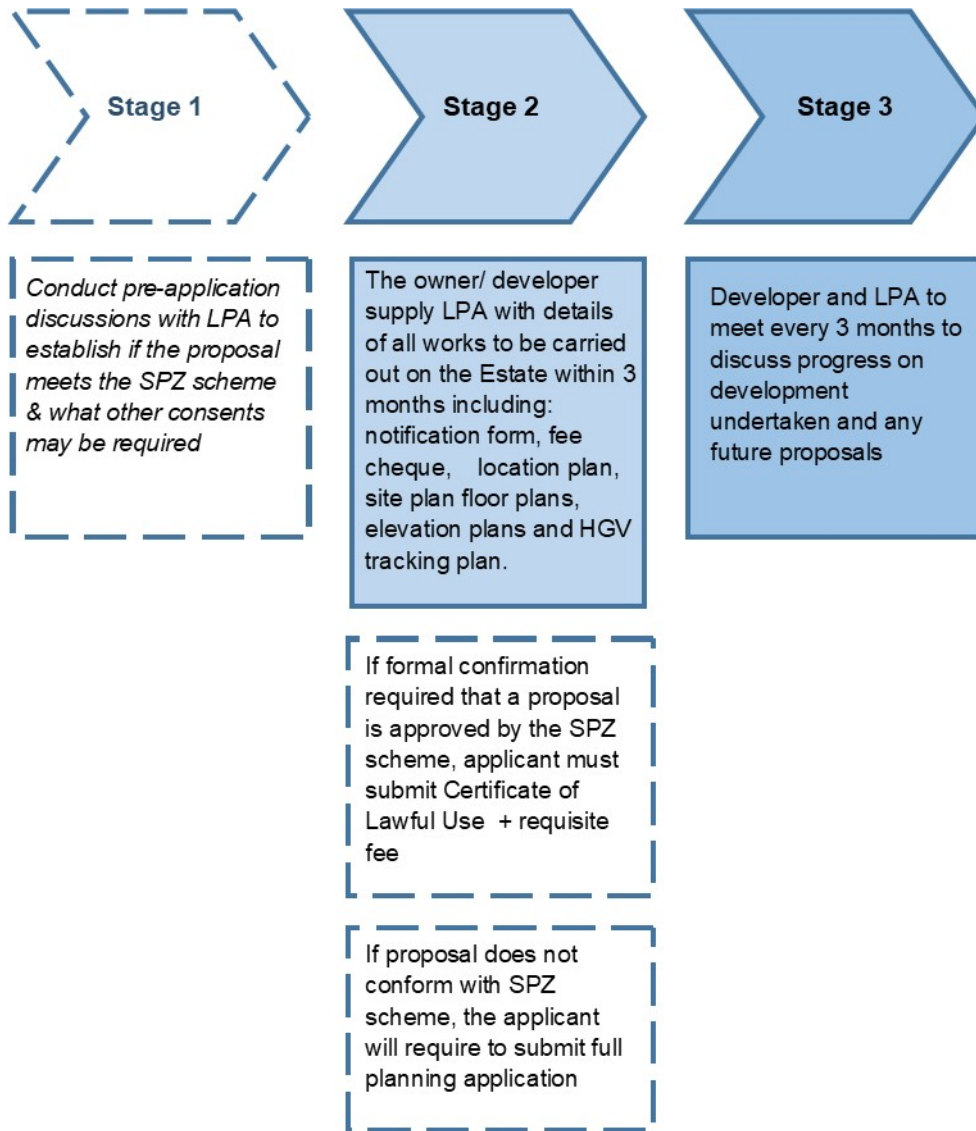
4.15 On the whole, the SPZ process is the same as in Scotland, the format of SPZ schemes in England also consists of a map and written statement and the same designated land is also exempt from inclusion within an SPZ scheme. The process also includes a statutory pre-deposit and deposit stage, for 6 weeks consultation. The duration period is also 10 years and the modification procedure is the same as per Scotland.

Figure 6: SPZ process, England and Wales



Source: Ryden

Figure 7: Conformity Process, SPZ England

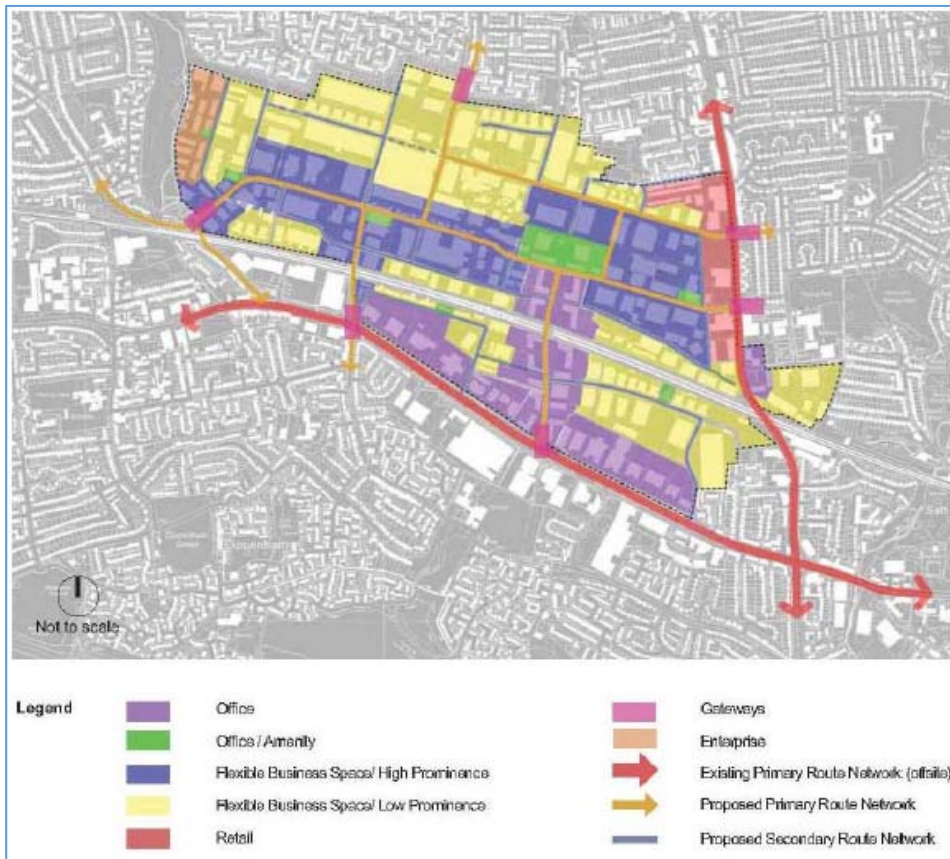


Source: Ryden

* Non- Statutory Process

Case Study 3: Slough Trading Estate SPZ, Berkshire, England

Figure 8: Slough Trading Estate illustrative masterplan



Source: Slough Trading Estate SPZ

4.16 Project Background

Slough Trading Estate has grown from its beginnings as a rail and car repair yard in the early 1920s to become a major business park. The estate, owned by SEGRO (formerly Slough Estates), extends to approximately 161 hectares and is home to in excess of 400 businesses including GlaxoSmithKline, Virgin Media and Centrica, employing more than 17,000 people. The estate is located one mile south west of Slough town centre and is well connected to the M4 motorway and bisected by the London Paddington to Bristol railway line. Use types are primarily general industrial, storage and distribution, research and development and light industrial.

The SPZ was established in 1995, to ensure that the Estate had the ability to “respond to the changing needs of business” and meet “the needs of existing businesses and attract inward investment”¹⁶. The SPZ adopted in 1995 permitted most types of business class development to take place without the need for planning permission, subject to conditions attached to the scheme. The only exception to this was Class B1 (a) office development (which was subsequently permitted in the 2004 local plan at the frontage to Bath Road and

¹⁶ Slough Borough Council Local Plan Saved Policies 2004: <http://www.slough.gov.uk/council/strategies-plans-and-policies/slough-local-plan-2026.aspx>

subject to a sequential test). Development under the SPZ is not permitted to increase the number of car parking spaces in the Estate. A small area at the centre of the Estate was redeveloped to provide a mix of A1 Retail, A2 Financial and Professional and A3 Food and Drink to meet the needs of the workforce while minimising impacts on the existing Farnham Road District Centre and Slough Town Centre. An illustrative masterplan for the Estate (Figure 6 above) was approved and included in the site's allocation SSA4 within the Slough Local Development Framework Site Allocations DPD adopted in November 2010¹⁷.

4.17 Scheme

The Slough Trading Estate SPZ was renewed for a second time in 2014 for a further 10-year period, taking approximately one year from preparation to adoption. The SPZ's transition to a LDO (see paragraph 4.22 onwards) has been noted as an eventuality. The renewed SPZ Scheme¹⁸ introduced a number of new measures regarding buildings in specific sub-zones and height restrictions, with particular focus on the promotion of datacentres, warehouses and research & development centres to enhance market appeal. The SPZ recognises the benefits of flexibility, certainty, speed, and marketability of the scheme for potential occupiers and incorporated the following use classes into the scheme¹⁹:

- Business Use (Class B1) – research and development B1(b) or industrial process B1(c);
- General Industrial Use (Class B2) – industrial process;
- Storage or Distribution Use (Class B2) – storage or distribution;
- Colocation/Data Centre (Sui Generis) – the electronic storage, receipt and transmission of data and information;
- Retail & Service Uses (Class A1-A5) – other uses ancillary and complementary to the site's primary use as employment site: retail, financial and professional, restaurants and cafes, drinking establishments, hot food takeaways;
- Other Development – solar photo voltaic panels (attached to new or existing buildings), walls and other means of enclosure, CCTV masts, demolition.

The SPZ is summarised in Table 3 over the following two pages.

¹⁷ Slough Local Development Framework Site Allocations DPD 2010: <http://www.slough.gov.uk/council/strategies-plans-and-policies/site-allocations-dpd.aspx>

¹⁸ SPZ Scheme 2014: <http://www.slough.gov.uk/business/planning-and-building-control/renewal-of-the-spz.aspx>

¹⁹ the Slough Trading Estate SPZ 2 scheme does not reproduce well in an A4 report as it covers 161 hectares and 13 separate zones

Table 3: Slough Trading Estate SPZ Summary

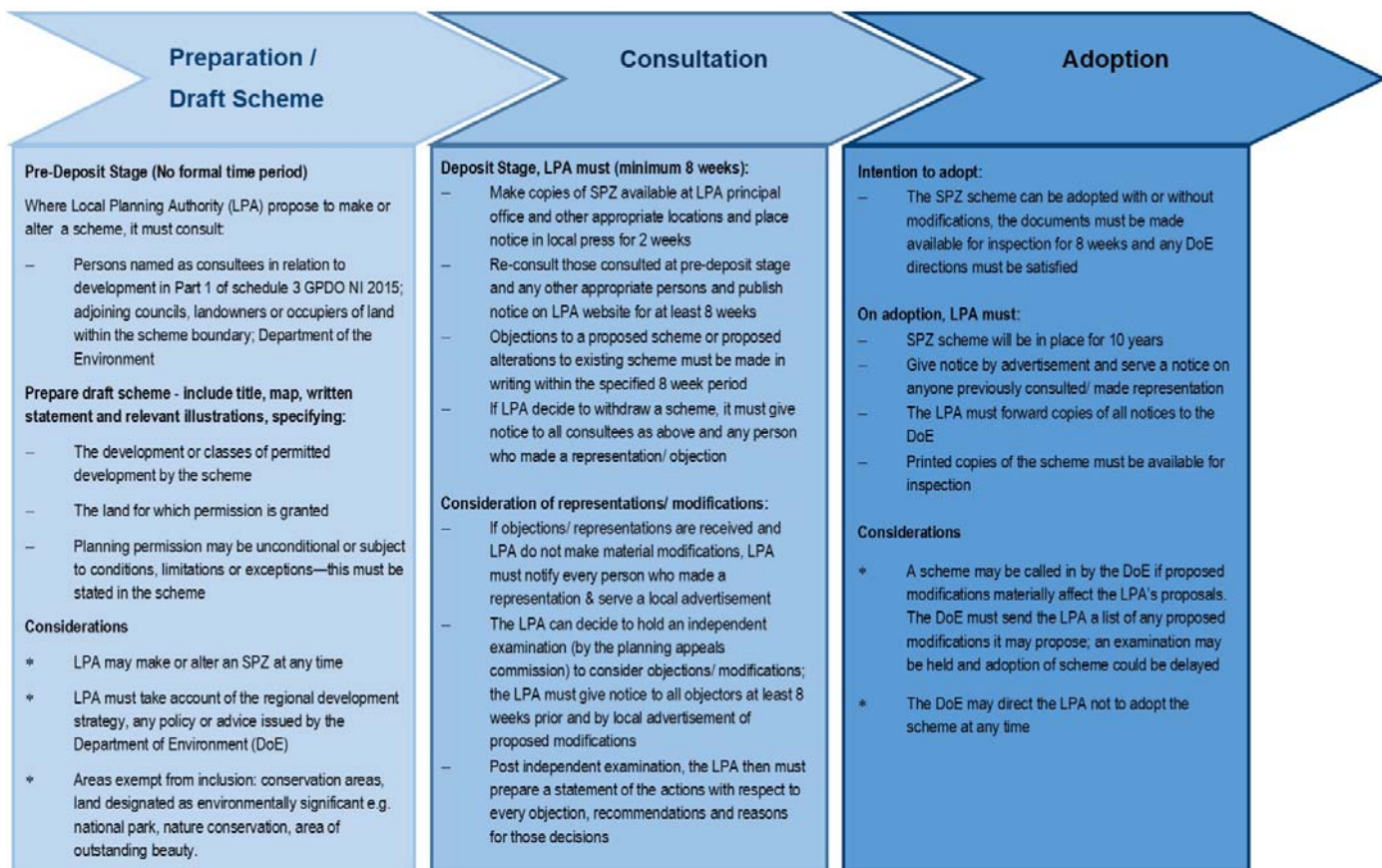
Scope	
Scheme promoter / landowner	SEGRO sole owner and promoter, developed in partnership with Slough Borough Council
Objectives	<ul style="list-style-type: none"> • Adapt to market demands and facilitate estate modernisation • Take a positive approach to implementation of future development proposals • Reduce the length of the development process and improve speed in the delivery of redevelopment on site • Enhance flexibility
Site Constraints	N/A - existing business site
Preparation	
Timescales	<p>SPZ scheme originally mooted in 1989</p> <p>First draft scheme prepared in 1993 and adopted 1995 following resolution of concerns regarding roads infrastructure and the possible influence of SPZ on demand for housing in the green belt. No public inquiry.</p> <p>Scheme renewed in 2004 with preparatory time frame of 12-18 months.</p> <p>The third draft scheme was prepared late 2013, public consultation undertaken early 2014. This SPZ was approved at Committee July 2014 and adopted in November 2014 – circa 1 year for renewal of the scheme.</p>
Consultation	SEGRO consulted on the third draft SPZ scheme between 10 January and 21 February 2014, with three full-day public exhibitions also taking place within this period.
Costs / Funding	Costs borne by SEGRO and Slough Borough Council – unable to quantify
Costs required	<ul style="list-style-type: none"> • Review and preparation of scheme • Consultation with statutory bodies and the public • Renegotiation of Section 106 agreement
Resourcing	Slough Borough Council Planning Policy Team working in tandem with SEGRO who are committed to positive growth of the SPZ.
Scheme	
Duration	<p>10 years:</p> <ul style="list-style-type: none"> • Originally adopted in 1995 - 2005 • Renewed in 2004 for further 10 years to 2014 • Renewed 2014 for further 10 years to 2024
Conditions	<p>Proposals to conform with SEGRO prepared masterplan specifying:</p> <ul style="list-style-type: none"> • Building use and heights within sub-zones • Landscaping • Highway safeguarding, maintenance and junction improvement • Production of sustainable Travel Plans and car parking • Waste management and energy efficiency of buildings • Design and permitted extensions of existing buildings
Developer Contributions	SEGRO as sole owner is tied to a new Section 106 agreement with Slough Borough Council to implement a parking cap and facilitate the continued provision of the Hoppa Bus Service which runs to the town centre. An 'Umbrella' Travel Plan has been prepared by SEGRO and is secured through Section 106 which provides a range of travel planning measures and promotes alternatives to single occupancy car use. Section 106 contributions also supported the delivery of 'Aspire' - a local training centre for young people, whilst also ensuring upkeep and maintenance of street lighting, landscaping, security and sustainable travel.
Conformity Procedure	<p>Applicants are required to submit notifications to the LPA prior to the commencement of development:</p> <ul style="list-style-type: none"> • Within 3 months of commencement of development submit notification of development • Contact statutory bodies as well as providing a SPZ notification form, fee

	<p>cheque, location and site plan to identify pedestrian routes from the building to the highway.</p> <ul style="list-style-type: none"> • Floor plans, elevations and an HGV tracking plan are also required to enable Slough Borough Council to monitor development progress and make this information available to the public.
Review	
Progress	<ul style="list-style-type: none"> • Slough Trading Estate SPZ has evolved in tandem with market trends over the long term • The gradual relaxation of policy brought forward through the Estate's allocation within the Slough Local Development Framework DPD ensured a mix of appropriate and ancillary development in both size and scale was permitted in certain areas of the Estate • The grant of planning permission for the Leigh Road Central Core and the conditional support of Class B1 (a) office development in specific locations ensured that the Estate offers a range of services to its workforce and occupiers. • This also facilitated the delivery of a range of modern developments with associated landscaping and transport options capable of attracting investment and employment opportunities without imposing any adverse impact on the vitality of Slough Town Centre, hence achieving the objectives of the Core Strategy. • Half of the Estate has been redeveloped since the introduction of the first SPZ scheme in 1995 with modern buildings and premises replacing out-dated and obsolete stock. This has improved marketability and the environment of the Estate, enhancing its appeal to investors • As of 2016, 95% of the Estate was occupied, highlighting the success of the renewed SPZ scheme in attracting and retaining tenants and testament to the sustainable nature of the Estate.
Issues	<ul style="list-style-type: none"> • Height issues were encountered within the first two SPZ schemes and these have been revisited and resolved through a masterplanned approach and sub-zoned areas stipulating specific design requirements. • Car parking provision required attention with the introduction of a more flexible approach permitting retail and office development. • Environmental regulations continually change and the SPZ must have the ability to be future proved.
Lessons Learnt	<ul style="list-style-type: none"> • The scheme has been successful due to being based upon a major established business park which benefitted from the financial backing of multinational asset manager and business developer SEGRO. • A single land owner facilitated efficient discussions, legal negotiations and progression of the SPZ schemes, with the relationship with the LPA strengthening over time. • Notwithstanding the resource involved, SEGRO and the LPA recognised the mutual value of the scheme, with lessons learnt over the life time of the SPZ contributing to its improved efficiency. • LPA development management team note that loss of planning fees is outweighed by policy team handling the notification letters, justifying the SPZ.
Differences / comparisons with Scottish SPZs	<ul style="list-style-type: none"> • No pre-deposit consultation time scales can result in delays in the rapid progression of a scheme; although flexible approach enables timescales to be adapted to particular circumstances • No requirement for public inquiry benefits speedier implementation • Locally based decision-making at preparation stage removes involvement of Ministers

Simplified Planning Zones, Northern Ireland

- 4.18 To complete the SPZs review, Figure 9 illustrates Northern Ireland's new SPZ process. The Planning (Northern Ireland) Order 1972 initiated the concept of simplified planning zones into the legislative framework. The Order was consolidated by the Planning (Simplified Planning Zones) Regulations 1990 which specified provisions for the procedural issues associated with their implementation by the Department of the Environment, the centralised planning decision making body.
- 4.19 Until 2009, the Department of the Environment had yet to exercise its SPZ powers. However, planning reform proposals noted the potential economic benefits of SPZs and the Planning (Northern Ireland) Act 2011 retained SPZs within amended legislation due to these associated benefits.
- 4.20 Refreshed regulations were published to coincide with the dissemination of planning powers to newly formed local authorities in 2015. In general terms, the SPZ regulations are not dissimilar to Scotland including pre-deposit, deposit and post-deposit stages. The scheme includes a map and written statement and likewise land exempt from inclusion includes conservation areas and environmentally significant land, however does not exclude green belt or land requiring an EIA. The lifetime of an SPZ is also set to 10 years. Where the NI regulations differ is in relation to consultation, objections and modification procedures. The deposit scheme should be available for comment for minimum 8 weeks (opposed to 6) and if objections are received but no modifications made, the LPA must notify all those who made representations. Additionally and similar to Scotland, the Department of Environment can call in an SPZ at any time.
- 4.21 To date, no SPZs have been adopted in Northern Ireland. This is assumed to be attributable to a lack of knowledge of the mechanism and advancement of Atlantic Link as the country's first Enterprise Zone, adopted in March 2017 and based around the University of Ulster campus at Coleraine, which offers tax incentives and simplified planning procedures (comparable to SPZs) to attract high technology industry and research.

Figure 9: SPZ Process, Northern Ireland



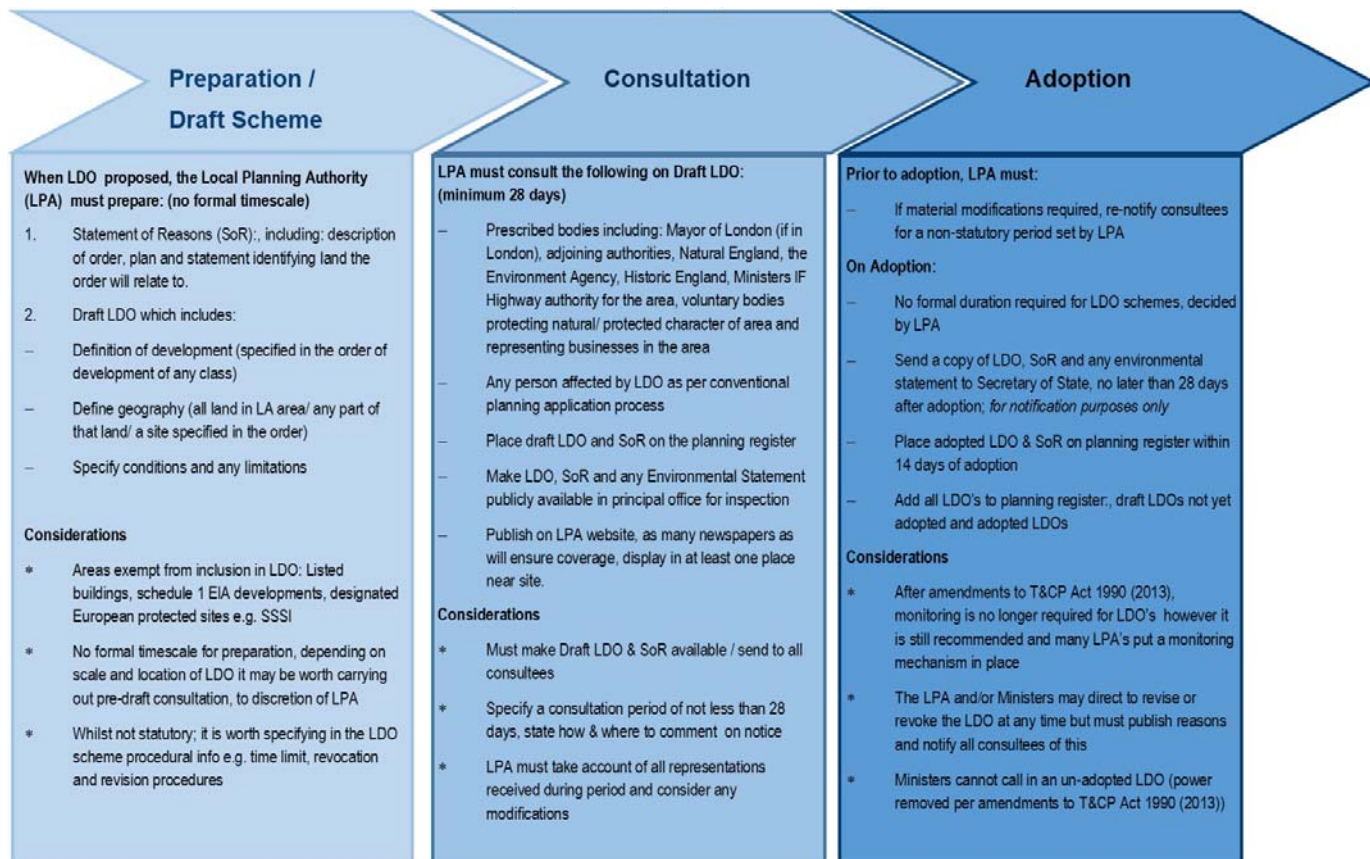
Source: Ryden

Local Development Orders, England

- 4.22 Figures 10 and 11 illustrate the LDO process and related applicant conformity process, based upon the procedures set out in English planning regulations²⁰ and informed by Case Studies 4 to 6 below for Swindon, Teignbridge and Cherwell respectively. Slough Trading Estate at Case Study 3 above is also recognised as a future LDO.
- 4.23 In keeping with the localism agenda in England, it is notable in comparison with SPZs that national government primarily has a role in LDOs only where this arises under another statutory duty, for example as highways agency (the equivalent would be Transport Scotland as trunk roads authority). The secretary of state does not need to be notified of the LPA's intention to adopt an LDO and does not have the power to call-in an LDO, however, the minister can require the revision of an LDO at any point before or after its adoption. Furthermore, LDOs have the ability to depart from the development plan rather than being compliant, based upon a 'Statement of Reasons' which commences the LDO process. The Statement of Reasons includes a plan and justification for the LDO and is accompanied by a written statement with conditions.
- 4.24 The LDO consultation period is short, a minimum of 28 days and only takes place once the scheme has been prepared. While the duration of the LDO is flexible to suit the particular development rather than statutory this can either be permanent or time limited, the LPA may also prepare a revision to an LDO at any time. Similar to Scotland, regulations place an emphasis on the LPA to adequately consider all objections and if material modifications are made then a further round of consultations would be built in (but no timeframe is specified). Notably, the English LDO model excludes only Schedule 1 environmental assessment sites, not Schedule 2. Listed Buildings are excluded from LDOs (and therefore must be applied for and consented separately), but unlike Scotland's SPZs they can be located in Conservation Areas, case study 5 demonstrates how Teignbridge District Council overcame conservation area constraints through developing a detailed design guide in consultation with Historic England. Although LDOs can cover a geographical area of any size, they cannot cross local authority boundaries; two or more LPAs may wish to co-implement an LDO but each authority must adopt their own LDO.
- 4.25 There is no statutory conformity procedure for LDOs, however, the majority of LPAs use the same procedure of a self-certification form and issue a certificate of lawfulness to confirm compliance. This normally costs half of the usual equivalent planning fee and is determined in a shorter period.
- 4.26 Overall, the English LDO process is more localised and adaptable than Scottish SPZs, and consequently appears to be encouraging a much wider range of schemes across sectors, locations and project scales. Case studies 4 (Swindon), 5 (Teignbridge) and 6 (Graven Hill, Cherwell) illustrate this range of LDOs.

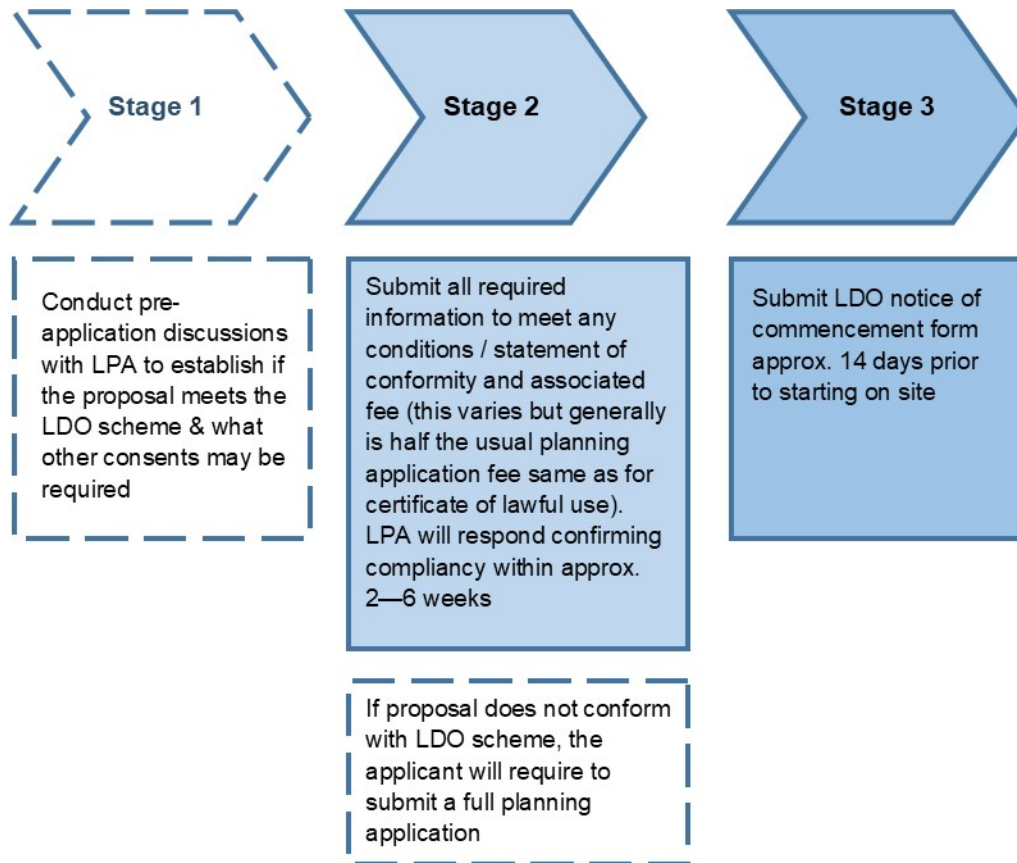
²⁰ <http://www.legislation.gov.uk/ukpga/1990/8/part/III/crossheading/local-development-orders> ,
<http://www.legislation.gov.uk/ukpga/1990/8/schedule/4A>
<http://www.legislation.gov.uk/uksi/2015/595/article/38/made>

Figure 10: LDO Process, England and Wales



Source: Ryden

Figure 11: LDO Conformity Process, England

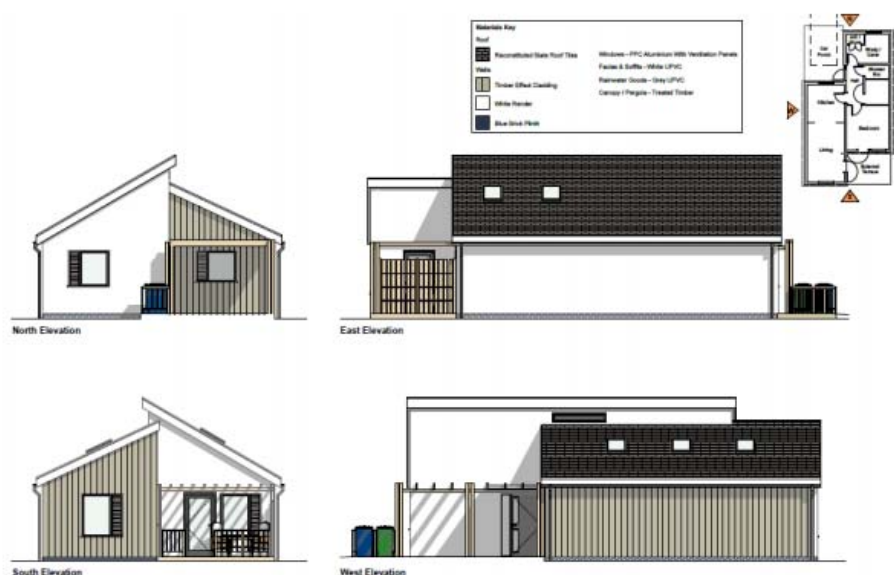


Source: Ryden

*Non- statutory process

Case Study 4: Swindon Borough Council, Various LDOs

Figure 12: Assisted Living plans



Source: Assisted Living Housing LDO 1

4.27 Project Background

Swindon's Pinehurst and Park North LDOs were part of the Department for Communities & Local Government (DCLG) / Planning Advisory Services' 2014 pilot housing scheme. Four local authorities were each awarded £25,000 grant funding to prepare pilot LDOs for city centre brownfield sites. Swindon's granted permission for assisted living bungalows for the benefit of elderly people with specialist care needs, people with complex disabilities and people with autism across two sites. The motivation for using LDOs to deliver assisted living accommodation was to allow flexibility for each bungalow to be configured to suit the end user's needs. The LPA wanted to accelerate delivery of bungalows for people whom the Housing & Social Services Department has responsibility to house, as well as creating a template for an LDO that could be replicated on other sites. The two sites were identified and considered appropriate in terms of location, close to local services and family support networks.

4.28 Scheme

The LDOs allow for proposed homes to be reconfigured without further planning permission - subject to meeting the LDO design parameters. The schemes consist of a statement of reasons and written statement. They are low density (20 units per hectare) which provides approximately five to seven units per scheme, to create a safe, comfortable living environment which can be easily integrated with existing communities. A design code was established by the LPA, which allowed each unit to be a purpose-designed bungalow. The modular bungalows are single storey, timber framed with a monopitch roof; the internal layouts are flexible and the external materials can be adapted to suit the user's needs.

4.29 Swindon Borough LDOs

In addition to the assisted living LDOs; Swindon Borough Council has implemented more than twenty LDOs in the past ten years, across different themes to meet council priorities. This was to allow the LPA to invest more resources in complex major schemes by streamlining the consenting of lower impact developments. All LDOs to date have been prepared and led by Swindon Borough Council including the majority of upfront costs. The conformity process for each varies, however, generally all prospective applicants looking to develop within an LDO are expected to submit a Self-Certification Form with any accompanying required information and pay half of the equivalent planning application fee; the LPA will issue a Certificate of Lawfulness to confirm compliance, within a target turnaround of approximately two weeks. The LDOs remove the requirement for planning permission for certain developments but do not remove requirements for building warrant, advertisement consent or other environmental permits. Swindon's LDOs fall within the following categories²¹:

- **Low carbon Swindon:** extension of Permitted Development rights to facilitate the installation of air source heat pumps at non-domestic properties; permission for hydrogen fuel cell and electric car refuelling points at all existing petrol filling stations as well as identified supermarkets; and planning permission in principle for the installation of solar farms on 27 identified sites across the borough, for which the LPA covered the cost of borough-wide surveys, including EIA.
- **Employment sites:** seven LDOs to support business growth have been the most successful and created positive publicity for the local planning service by helping to regenerate existing business sites and tackle obsolescence, through a host of permitted developments with no separate design code.
- **Town centre:** the 2011 Town Centre LDO at Victoria Road was extended for two years in 2014 and again to 2019. The LDO was a low cost mechanism to address high vacancy rates - which have since reduced - and provide occupiers with flexibility by allowing changes between a wide range of use classes - shops, financial & professional services, restaurants & cafes, hotels, residential institutions, dwelling houses, business and non-residential institutions - without the need for planning permission (subject to conditions). Proposals are deemed compliant upon submission and approval of the LDO self-certification form for a fee of £192.50; this gives assurance that the council deem the proposal lawful.
- **Housing:** the two LDOs at Pinehurst and Park North adopted in 2015 detailed above aim to support the delivery of assisted living housing for people with special housing needs, on brownfield sites. These are summarised in Table 4 over the next two pages. The LPA is also in the early stages of developing LDOs for custom- and self-build housing in Swindon.

²¹ A 2014 house extensions LDO consenting low impact rear house extensions has been superseded by extended permitted development rights in 2015.

Table 4: Swindon Assisted Living LDO Summary

Scope	
Scheme promoter / landowner	Promoted by Swindon Borough Council, (LPA), site owned by Swindon Borough Council Housing Fund
Objectives	Accelerated delivery of assisted living modular bungalows for elderly residents and people with autism and complex physical disabilities, the LDO aims to allow for flexibility in design.
Site characteristics	The brownfield sites are self-contained within existing housing estates and were previously used as garages and wasteland
Preparation	
Timescales	Approximately 12 months preparation to adoption <ul style="list-style-type: none"> Grant funding awarded December 2014 LDO adopted December 2015
Consultation	Engagement took place with the local community throughout the process led by the borough architect team and a working group was established, including an officer supported information event and leaflet drops. Due to the location of the site within the centre of residential blocks, early engagement was crucial to provide reassurance that their amenity would be protected.
Costs / Funding	Approximately £25,000 grant funding from DCLG
Costs required	<ul style="list-style-type: none"> Public consultation Technical reports including desk top contamination and utilities LPA staff time
Resourcing	Responsibilities straddled several departments; led by council housing officers, with the borough architect responsible for the design and support provided by development management and policy officers
Scheme	
Duration	5 years from adoption (2015 - 2020)
Conditions	<ul style="list-style-type: none"> Compliance with the LDO Pre-commencement submission of layout, statement of compliance, building materials & boundary treatment Maximum floor area, number of rooms and Maximum height Minimum separation distances Car and cycle parking requirements Compliance with building standards Other standard housing conditions relating to: construction management, surface water drainage, access, waste, slab levels
Developer Contributions	<ul style="list-style-type: none"> Improvements/ alterations to public highways Community Infrastructure Levy (CIL) but social housing relief can be sought
Conformity Procedure	Applicant must submit a statement of compliance and detailed layout plan to the LPA confirming that conditions have been met, made available for public viewing at least 28 days prior to commencement of development
Alignment with other consents	The LDOs do not supersede the requirement for development to comply with all other legislations e.g. building control, roads or environmental permits.
Review	
Progress	Swindon Borough Council has demonstrated a range of different possible uses for upfront consenting via LDOs in terms of scope, use and geographical location. These exhibit the varying levels of success which is inevitable given new and innovative development types and approaches. Planning has been seen to act as a positive enabler for the council's long term programmes and priorities To date, no development proposals have come forward for the housing LDOs although it is anticipated that a developer will be in place by the end of 2017.
Issues	Notwithstanding that the council had experience in using a range of LDOs, the housing LDO proved a challenge - Japanese knotweed was found and community consultation resulted in dismissing one site as being unsuitable and the number of units was reduced on another.
Lessons Learnt	<ul style="list-style-type: none"> The most effective LDOs have required more front-loading, which in turn requires increased resourcing of people and costs from the LPA. Awareness-raising of the LDO concept by the LPA to the public, elected members and other stakeholders takes time and is worth doing early

Case Study 5: Brunswick Street LDO, Teignbridge, South Devon

Figure 13: Brunswick Street Masterplan



Source: Brunswick Street LDO

4.30 Project Background

Along with Case Study 4 (Swindon), the Teignbridge LDO was part of the DCLG/ Planning Advisory Service 2014 pilot housing scheme. The site at Brunswick Street is 0.38 hectares, located within a conservation area and comprises a car park and two former garages with land contamination. This site was identified in the current local plan (2014) as a regeneration area. The District Council utilised the pilot scheme to aid in the redevelopment and delivery of the site as part of a wider regeneration initiative in Teignmouth. The early preparation of the LDO by the LPA was intended to enable developers and investors to accelerate delivery of much needed housing and community facilities in the town centre.

Preparation of the LDO began in January 2015 with three streams taking place in parallel conducted by the LPA, which fed into the overall design:

1. Creation of a design framework and guidelines by external consultants
2. Viability study and market / options appraisal by external consultants
3. Consultation with a range of key groups, stakeholders and developers held in working groups on an ongoing basis to inform the preparation of the Development Options and Design Guidance.

At the same time, the District Council commissioned extensive technical reports to provide prospective developers with a comprehensive baseline of the site. This included; Flood Risk Assessment, utilities investigations, geotechnical reports and ground condition assessment.

Public consultation in Autumn 2015 attracted 150 written responses including broad support from statutory consultees. Due to the site being located within a conservation area, extensive consultation with Historic England was undertaken.

In order to ensure that all proposals complied with conservation policies, a detailed design guide was prepared and Historic England sought a clear link between the scheme and the design guide to make compliance stronger. Following consideration of responses and required amendments the LDO was formally adopted in April 2016 with no further consultation required.

4.31 Scheme

The scheme consists of; a statement of reasons, written statement and a design guide. The LDO permits mixed use development on the site including not only residential and commercial, but also community and recreational land uses. Specifically, the LDO permits development within the parameters provided that conditions, requirements and design guide are met:

- Ground floor: Class A1 (Shops), Class A2 (professional services), Class A3 (food and drink), Class B1 (business), Class C1 (hotels), Class D1 (non-residential institutions) and Class D2 (assembly & leisure)
- First, second and upper floors: Class A2 (Professional services), Class A3 (food and drink), Class B1a (business), Class C1 (hotels), Class C2 (residential institutions), Class C3 (dwelling houses), Class C4 (houses in multiple occupation), Class D1 (non-residential institutions) and Class D2 (assembly & leisure)

Due to risk of flooding which was identified during the LDO preparation stages, residential uses are not permitted at ground floor.

A detailed Design Guide is consented as an addendum to the LDO which is user-friendly and allows for flexibility of spaces, design and uses with specifications for public realm, materials, heights and massing. A high quality of design is expected and proposals must demonstrate how the special character and qualities of the conservation area and the setting of the listed buildings have influenced design outcome. The design guide was developed in consultation with Historic England and Teignbridge District Council.

Development proposals which fall out with the LDO criteria may still be acceptable in planning terms, so prospective applicants may still apply for planning permission which will be assessed through the normal process and considered against the local development plan. The LDO does not supersede existing permitted development rights.

Table 5 over the next two pages summarises the Teignbridge LDO.

Table 5: Teignbridge LDO Summary

Scope	
Scheme promoter / landowner	Teignbridge District Council (LPA)
Objectives	Regeneration of underutilised brownfield site; promote vitality and a wider mix of uses within the town centre
Site characteristics	Brownfield town centre site within a conservation area
Preparation	
Timescales	15 months in total preparation to adoption: <ul style="list-style-type: none"> • Funding awarded December 2014 • January - July 2015: preparation of technical reports and early engagement • September - October 2015: 6 week consultation period • October 2015 - April 2016: collation of representations and modifications; a consultation report was prepared detailing feedback received and the LDO working group met on a monthly basis to discuss proposed modifications • April 2016 - presented to Executive committee and LDO adopted, a copy of the LDO and Statement of Reasons was sent to the Secretary of State for notification purposes post adoption
Consultation	Series of workshops and meetings with local interest groups planning officers, statutory consultees and stakeholders. In the first quarter of 2015, the following workshops were held to prepare the Development Options and Design Guidance: <ul style="list-style-type: none"> • LDO Working group - two workshops held with local groups; • Officer stakeholder group - two workshops held with attendees including the Environment Agency and representatives from the District council; • Options Workshop - held with a wider group to give a summary of the purpose of the LDO, the process and gather feedback on development options, attended by local developers, local community groups, LDO working group and statutory consultees <p>Autumn 2015 - the draft scheme was put out to consultation for 6 weeks and received approx. 150 responses, no material modifications were required</p>
Costs / Funding	Around £56,000 (including £25,000 DCLG funding)
Costs required	To meet costs of technical reports
Resourcing	Spatial Planning and Delivery team
Scheme	
Duration	5 years from date of adoption (April 2016 - 2021)
Conditions	<ul style="list-style-type: none"> • Compliance with the LDO: Site layouts, materials heights, boundaries, waste, heritage statement • Site layout, building heights, scale and materials • Design and Access Statement • Transport Statement • Compliance with the flood risk assessment • Surface water drainage • Remediation statement • Lighting • Storage • Affordable housing
Developer Contributions	<p>Developer contributions:</p> <ul style="list-style-type: none"> • Replacement parking provision elsewhere in the town to mitigate the loss of parking at Brunswick Street Public Car Park section of site • Foul sewerage and drainage improvement • Renewable energy systems • Movement & access to highway network <p>Relevant Community Infrastructure Levy (CIL) charges apply:</p> <ul style="list-style-type: none"> • Zero charge for Retail in town centres; • £125 per unit for Residential; but no contribution from Affordable Housing • Zero rate CIL for all other development

Conformity Procedure	<ul style="list-style-type: none"> • Applicants are encouraged to seek pre-application advice. • The applicant will be required to submit all required prior information to meet any conditions to be approved. The LPA will respond within 6 weeks if the proposal conforms. • A fee is payable per proposed development equal to £385 per 75 sq.m gross external area of floorspace. • If the proposal does not conform to the LDO, a planning application will be required if the development is to progress unchanged. • The final stage is for the applicant to submit an LDO Notice of Commencement Form at least 14 days prior to commencement and for monitoring purposes.
Alignment with other consents	<p>The LDOs do not supersede the requirement for development to comply with all other legislations e.g. building control, roads or environmental permits. During the preparation of the LDO, the district council ensured that specialist areas were represented on an Officer's Stakeholders Group. In terms of roads, this was particularly important as Devon County Council and not Teignbridge is the Highway Authority. Given the nature of the site the District Council also commissioned a Buildings Condition Survey for several buildings of lesser quality that will help with any future plans for part of the defined site in building control terms.</p>
Review	
Progress	<ul style="list-style-type: none"> • To date, no development is on the ground within the Teignbridge LDO • The Brunswick Street Working Group meets on a regular basis to monitor progress. • The site is being marketed by Teignbridge District Council estates department and there is now developer interest. • The lead-in time has been comparatively long given the niche nature of the development opportunity, but the LDO has unlocked the site and the project is expected to be taken forwards in Summer 2017.
Issues	<p>The original programme was to complete the LDO by December 2015, but this did not take account for a high level of consultation responses which was received, thus delaying the process by several months.</p> <p>Cross-departmental working can be challenging, requires strong leadership to ratify the decision making process</p> <p>The challenge for development management is to not overburden the LDO with too many conditions.</p>
Lessons Learnt	<p>Early engagement with statutory consultees, council representatives and the public resulted in a largely supported vision and scheme, however a high volume of representations were still received, perhaps due to the nature of the site.</p> <p>Through early engagement and preparatory work: the consultation exercise brought the site to the attention of local developers, early studies de-risked the site enabling the creation of a viable scheme.</p>

Case Study 6: Graven Hill Village, Cherwell, Bicester

Figure 14: Graven Hill Village Masterplan



Source: Graven Hill developments

4.32 Project Background

The Graven Hill Village project was initiated by Cherwell District Council, which was keen to provide additional private housebuilding opportunities to help accelerate the overall rate of local housing delivery, including in alternative market sectors. The project is set to be one of the largest private custom and self-build developments in Europe and aims to provide a wide range of opportunities from modestly priced plots suitable for affordable homes to larger properties.

The site at Graven Hill was previously a large Ordnance facility operated by the Ministry of Defence (MOD). Most of the site became surplus and in 2011 the landowner submitted outline planning consent for the redevelopment of the land for residential development (11/01494/OUT), which was approved in 2013. The overall development comprises of 1,900 homes (of which 30% will be affordable); primary school, community hall, local shops, commercial space and extensive play and open space.

A demand register was set up in 2013 to aid the creation of the masterplan; by 2016, more than 3,000 people had expressed interest in the custom or self-build plots.

Cherwell District Council acquired 187 hectares of the 600-hectare site relating to the planning application in August 2014 (negotiations began in 2012) from the MOD, with a vision to provide a sustainable residential development to align with Bicester's recent designation in 2015 as a new Garden Town. To aid the purchase of the site, the Council applied to the Public Works Loan Board for a low interest loan as well as receiving financial support from the Homes and Communities Agency, the Garden Towns Initiative and DCLG grant funding. The

site therefore benefited from a number of national initiatives and funding / financing support schemes.

In order to control the mixture and scope of homes and to meet local demand, the Council decided to act as 'enablers' for the initiative, by setting up Graven Hill Village Holding Company Ltd and Graven Hill Village Development Company Ltd to respectively own and develop the overall site. The development should over the long-term produce a significant return and new income streams. The development company will arrange for infrastructure works and then the sales and marketing team will sell the plots on.

4.33 Outline Planning Consent

The outline consent for the entire site was granted in 2014. Condition 26 stated that the entire site (whether covered by an LDO or not) will be subject to the requirements of a masterplan and design code which should be approved in writing prior to the reserved matters by the LPA, as well as Section 106 contributions for local infrastructure and development of community facilities. Both the masterplan and design code were commissioned by the Council to create achievable parameters within which homebuilders could operate.

The Council decided to use LDOs for each phase of the site, to allow for freedom of design and variation in each plot and remove planning bureaucracy for custom and self-builders and to ensure that the LPA retains control should a future phase be sold on. The development company will still submit applications for reserved matters for infrastructure works in respect of the outline planning permission, resulting in no loss of income for the planning department and they will provide community uses such as the village centre, the school, pavilion and community centre.

The masterplan establishes the roads layout, landscaping plan and design code which identifies site-wide principles across the overall development. Plot passports then pull together the key principles for each specific plot in terms of building heights, zones, boundaries, parking spaces, waste management and vehicular/ access requirements. Plot passports will become key documents for plot purchasers.

4.34 Scheme

In December 2015, an LDO for Phase 1 of the development was approved, granting planning permission for 198 custom and self-build properties. It is intended that if this LDO process is successful, LDOs will be rolled out for further development phases. Since the LDO was adopted in December 2015, the first 10 plots have submitted for confirmation of compliance. In applying the LDO and associated documents, some additional requirements and changes were identified by the LPA and development company to provide further clarity and address some minor design and neighbour amenity issues. A four week consultation was held in late 2016 and the revision to the LDO was adopted in January 2017.

The LDO is based on the outline planning consent already approved, however, a masterplan, design code and plot passports were produced at the same time and in tandem to inform the Order. There are a range of plot shapes and sizes

including; one, two and three-bedroom homes, detached, semi-detached, terraced and apartments and build-your-own. Plot purchasers have 32 months from purchase date to occupation. There is a priority for people with a local connection and there are initiatives for affordability too.

Permitted Development under the scheme:

- Class A - the erection or construction of a dwellinghouse
- Class B - the enlargement, extension or alteration of a dwellinghouse erected or constructed under Class A
- Class C - buildings etc incidental to the enjoyment of a dwellinghouse

The order details development which is not permitted by the three classes stated above and conditions for each class.

Table 6 below and on the next page summarises the Graven Hill, Cherwell LDO.

Table 6: Graven Hill, Cherwell LDO Summary

Scope	
Scheme promoter / landowner	Graven Hill Village Development Company (GHVDC) owned by Cherwell District Council
Objectives	Facilitate and encourage the delivery of self and custom built housing on the site; allow purchasers of the plots to build their homes in the knowledge that if they meet the requirements of a set design framework, they can proceed with development without further cost or delay
Site characteristics	Brownfield site, previously MOD facility An EIA was carried out for the outline planning permission but not for the LDO
Preparation	
Timescales	Timescale 9 months for consenting; 3 years overall from site purchase <ul style="list-style-type: none"> • March 2015 - report on benefits and disadvantages considered of LDOs considered by executive committee • July 2015 - Draft approved by Executive for consultation purposes • July - September - Informal discussions with stakeholders • September - October - Formal consultation period • November 2015 - LDO granted by Executive • December 2015 - LDO came into force • November - December 2016 - four week consultation took place on revisions • January 2017 - revised LDO approved/ adopted at member committee not executive
Consultation	LDO 2015 (15/01670/LDO): 28 day consultation period 17 Sept - 15 Oct 2015 <ul style="list-style-type: none"> • Publicised in the Bicester Advertiser and site notices • Notification letters sent to adjacent and relevant parish/ ward councils • Relevant consultees and those with an interest in the land affected by the LDO • No objections but minor modifications made in respect of comments from representations received LDO revision 2017: Minor amendments proposed, consultation for 21 days including: <ul style="list-style-type: none"> • Publicised in the Bicester Advertiser and site notices • Notification letters sent to adjacent and relevant parish/ ward councils • Relevant consultees and those with an interest in the land affected by the LDO • No objections or comments received, no modifications required
Costs / Funding	Unknown sum - funded by Public Works Loan Board loan, financial support from the Homes and Communities Agency (HCA) under its large sites programme and the new Garden Towns Initiative. Cherwell District Council also qualified for a DCLG grant of £90,000 as it was one of the 11 'Right to Build' vanguards
Resourcing	Development Management team

Scheme	
Duration	5 years from date of adoption (2015 – 2020)
Conditions	<ul style="list-style-type: none"> • Applicant must apply to LPA for a determination that development complies with the LDO (masterplan and design code approved under outline planning permission) through submission of written description and plans • Evidence of unsuccessful marketing where not custom or self-build • Compliance with elevations design guidance • Housing conditions in relation to, <i>inter alia</i>, flues, surfaces, extensions, windows, permitted development within curtilage • Development under Class A must be completed within a period of 3 years starting with the confirmation of a compliance date
Developer Contributions	No developer contributions. There are S106 contributions required per the outline planning permission.
Conformity Procedure	<ul style="list-style-type: none"> • Plot buyers require to seek 'prior approval' for their project by submitting an application for conformity to the LPA including: a written statement of the proposed development; a location plan of the site, plan(s) showing access, appearance, landscaping, layout and scale of the proposed development; the developer's contact address, contact phone number and email address • The LPA may refuse the application if it does not conform to the scheme or insufficient information has been provided. • The LPA have 28 days to confirm whether or not the proposal complies with the LDO scheme and development cannot begin prior to receipt of determination
Review	
Progress	<p>The project has received national support from a range of sources, for a local authority initiative which sought to take an entirely different approach to housing mix and delivery on surplus public sector land.</p> <p>The first plots at Graven Hill have been sold and the expected build-out rate is projected to be approximately 200 homes per year from 2017 to 2025.</p> <p>The first 10 plots in LDO phase 1 have met the scheme and confirmed compliance.</p>
Issues	In implementing the LDO document some additional requirements and changes were identified by the LPA and Graven Hill Village Development Corporation to provide further clarity and address minor issues. The LDO process allowed for these to be altered quickly.
Lessons Learnt	<ul style="list-style-type: none"> • Political leadership and a readiness to compromise are key to success. Councillors' support early on ensured that once the decision to produce an LDO was agreed, officers could press on at speed • Council teams embraced innovation- members needed to accept some relaxation in the degree of scrutiny which housing proposals are usually under • Dialogue with individual plot purchasers is necessary

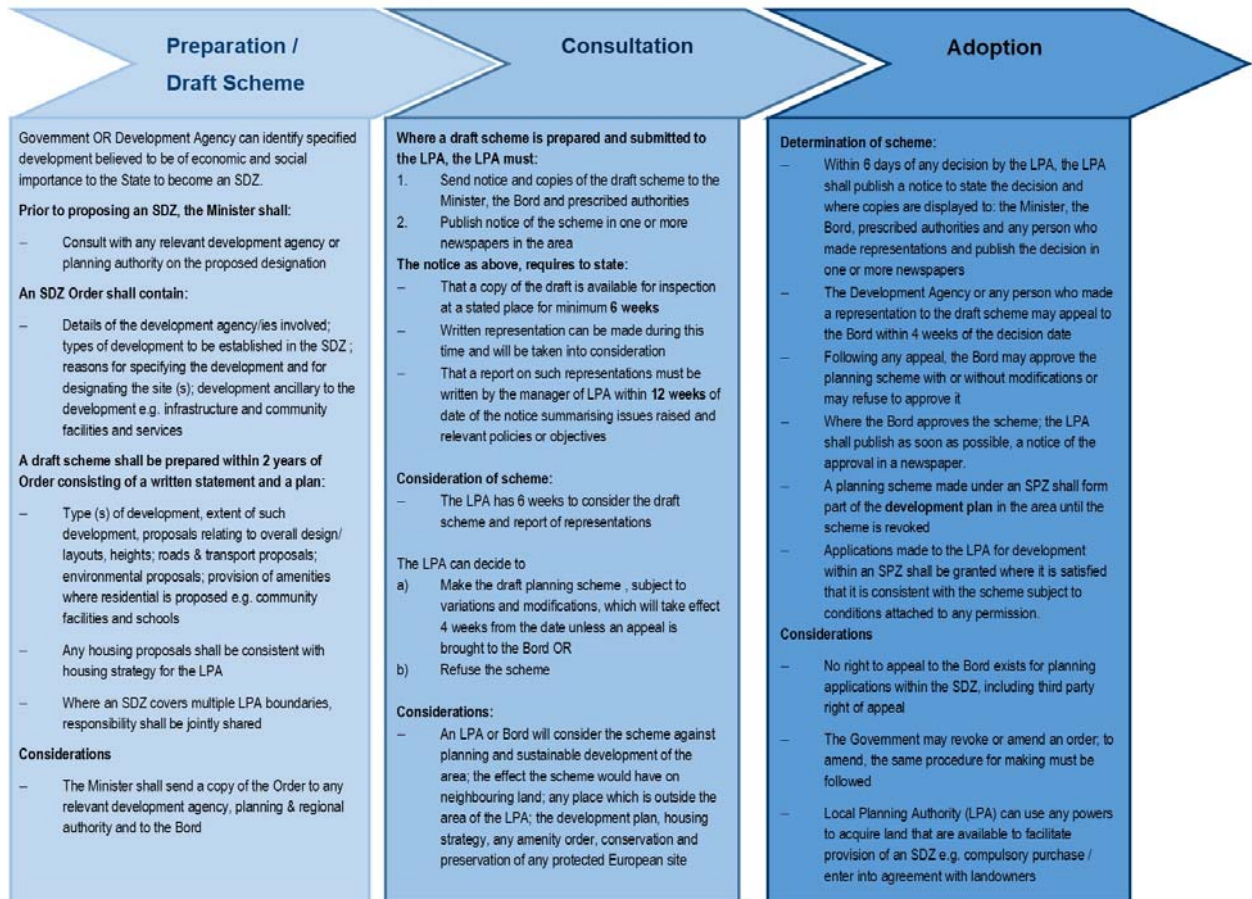
Strategic Development Zones, Republic of Ireland

4.35 Figures 15 and 16 respectively illustrate the Irish SDZ process and the parallel developer/ applicant compliance process. The process charts along with case studies 7 (Adamstown) and 8 (Clonmaggaden), and the Dublin Docklands example at paragraph 4.43, illustrate two principal distinctions which SDZs exhibit in comparison with SPZs and English LDOs:

4.35.1 SDZs are commissioned by the Irish Government to deliver strategic national economic and social priorities. These Government Orders marshal LPA's - including the powers to acquire land where required - and infrastructure agencies, thus providing a clear signal to the market that a planned, serviced development area is to be created. This is as much a serviced land delivery model as a consenting model.

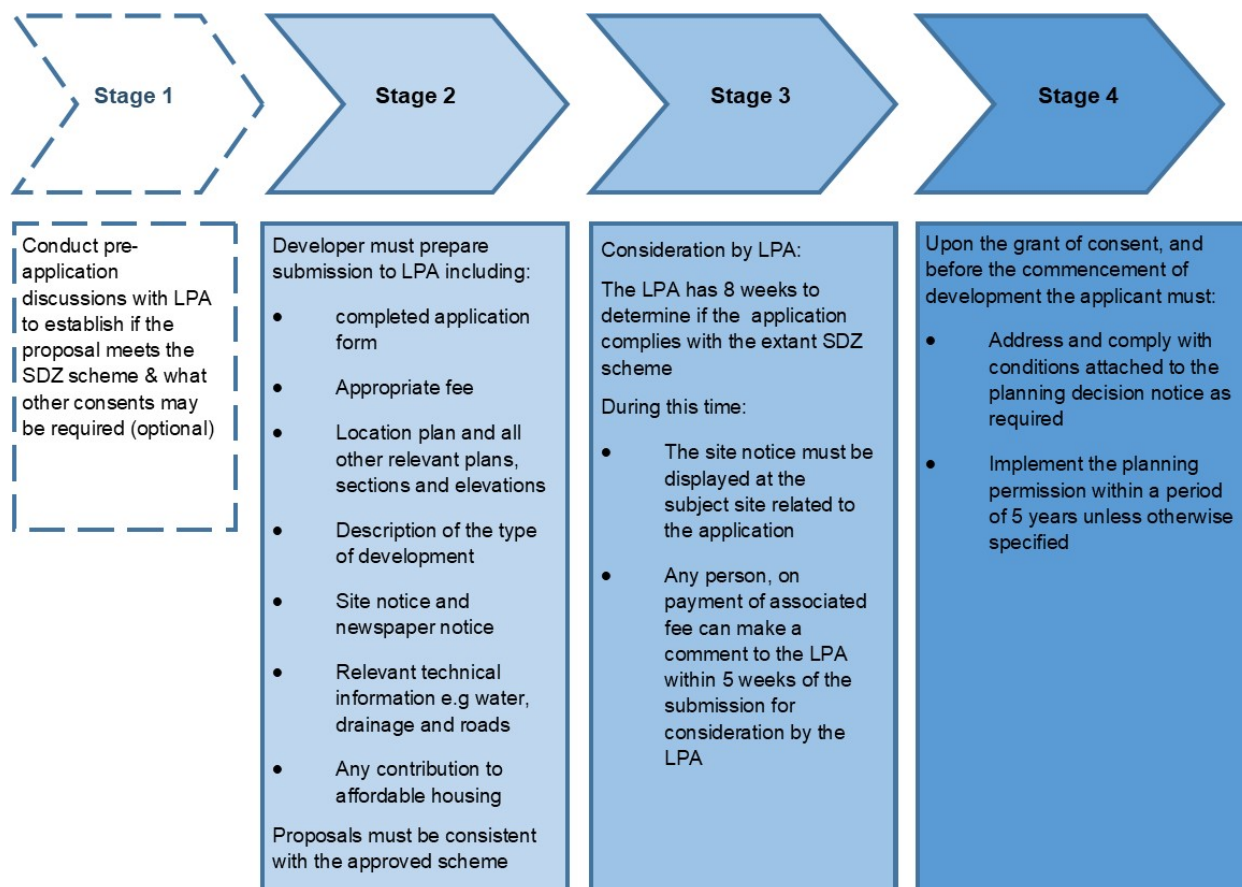
4.35.1 Developments within the SDZ benefit from presumed planning consent, not pre-consent. A detailed planning scheme is prepared for the SDZ, which is subject to consultation, and objections can be considered by An Bord Pleanála (the Irish planning appeals body (the Bord)). The presumption is that development compliant with the scheme will be consented, subject to any conditions. The planning application route is the standard one, but applicants should benefit from this detailed guidance and a clear and pre-committed infrastructure programme (failure to deliver the Clonmagadden railway link in case study 8 notwithstanding). The applicant has no right to appeal an application which is found not to comply with the scheme and has been refused planning permission. Furthermore, the SDZ scheme removes any third party right of appeal (a power which is in place for all other planning applications in Ireland) providing comfort and greater certainty for applicants.

Figure 15: SDZ Process, Republic of Ireland



Source: Ryden

Figure 16: SDZ Conformity process



Source: Ryden

*statutory process

Case Study 7: Adamstown, West Dublin, Republic of Ireland, South Dublin County Council

Figure 17: Adamstown Masterplan²²



Source: Adamstown SDZ

4.36 Project Background

A large greenfield area of around 223 hectares, south of Lucan at Adamstown, West Dublin, was designated by Government Order in July 2001 as Ireland's first SDZ²³. The land fell under ownership of a consortium of three developers collectively known as Chartridge. The Government Order stipulated the designation of the site for "residential development and the provision of schools, commercial activities, including employment, office and retail facilities, a rail halt, emergency services and the provision of community facilities". The SDZ was prepared in order to:

- Address the deficiency in the supply of housing nationally and in the Greater Dublin Area specifically;
- Capitalise upon the site's potential for comprehensive planning and development due to its scale and configuration;

²² Adamstown SDZ Scheme: <http://www.sdcc.ie/services/planning/strategic-development-zones/adamstown/planning-scheme>

²³ Irish Statute Book: <http://www.irishstatutebook.ie/eli/2001/si/272/made/en/print>

- Efficiently utilise public investment in infrastructural facilities including public transport, water, waste water and road; and
- Benefit and give effect to the policies in the Strategic Planning Guidelines for the Greater Dublin Area for development within the Metropolitan Area.

South Dublin County Council, acting as the Development Agency, prepared a draft Planning Scheme for Adamstown in December 2002. This was approved in September 2003 following public display and consultation, reporting to Council Members and an oral hearing following an appeal to An Bord Pleanála which incorporated a further twenty-six modifications to the SDZ scheme.

4.37 Scheme

The Scheme sets out a detailed framework for the development of up to 10,000 new homes in Adamstown in combination with supporting infrastructure and facilities including a railway station, three primary schools, one secondary school and a fire station. The SDZ area is divided into eleven development areas and four amenity areas, to create identity. The Planning Scheme philosophy aims to create sustainable communities through phased, integrated delivery which incorporates a strong sense of identity through high quality urban design, a mix of uses complemented by a range of transport options, as well as the extensive use of landscaping and the promotion of energy conservation and energy efficient construction methods.

Compliance, management and implementation of the SDZ is overseen by the Adamstown Project Team, based in the Council's Planning Department. Developers are not afforded the right of appeal to An Bord Pleanála if proposals do not comply with the scheme. Furthermore, third party rights of appeal against approvals are removed from the process, providing greater certainty to applicants.

A detailed design concept forms a significant part of the Scheme and is specific to each development and amenity area. This detail provides parameters for development in terms of type and quantity of units or areas, densities, building heights, public open space, affordable units, material finishes as well as street widths, landscaping and landmark buildings / focal points.

The SDZ scheme sets out implementation of infrastructure in tandem with development across the site over thirteen phases. For example, Phases 1a and 1b contain 500 dwellings each and are dependent on the completion of the Adamstown Railway Station Road and Station; the upgrade of the local and strategic road network by the completion of Outer Ring Road between the N4 and N7; the Adamstown Link, partial completion of the initial internal Loop Road; and installation of water supply, drainage and sewerage facilities.

These trigger points illustrate the importance of centrally funded roads and rail infrastructure on the successful development and growth of the SDZ. Significant funding was secured by the three developers involved in the development of Adamstown SDZ which resulted in the early delivery of the €6m (£5.4 million) railway station and €15m (£13.4 million) internal road networks as was required by the Scheme's phasing criteria. The developer consortium, local authority and government bodies such as the Education Board and the Strategic Land Initiative provided all aspects of the on-site infrastructure. Land owners recouped

expenditure through site sales. Developer contributions were sought through Section 48 of the Planning & Development Act 2000 to support the funding of necessary infrastructure on a county-wide basis and were not specific to Adamstown.

Ireland's economic boom during the early 2000s helped fuel the availability of lending credit, which undoubtedly assisted the delivery and implementation of the vital initial phases of the SDZ. Total infrastructure costs for the entire SDZ were estimated at around €120m (£107 million), of which around 50% had been spent by 2009.

Following the economic downturn in 2008/09 and its aftermath, the Irish Government launched the Local Infrastructure Housing Activation Fund as part of the 'Rebuilding Ireland' programme to assist with a shortfall in housing delivery. This €200m (£179 million) fund aims to provide public off-site infrastructure and help deliver 23,000 housing units across Dublin and other parts of Ireland experiencing high demand for housing. SDCC applied for and secured funding via this method which will assist in the development of 1,000 units at Adamstown²⁴.

Table 7 over the following two pages summarises the Adamstown SDZ.

²⁴ Rebuilding Ireland: <http://rebuildingireland.ie/news/local-infrastructure-housing-activation-fund-announced/>

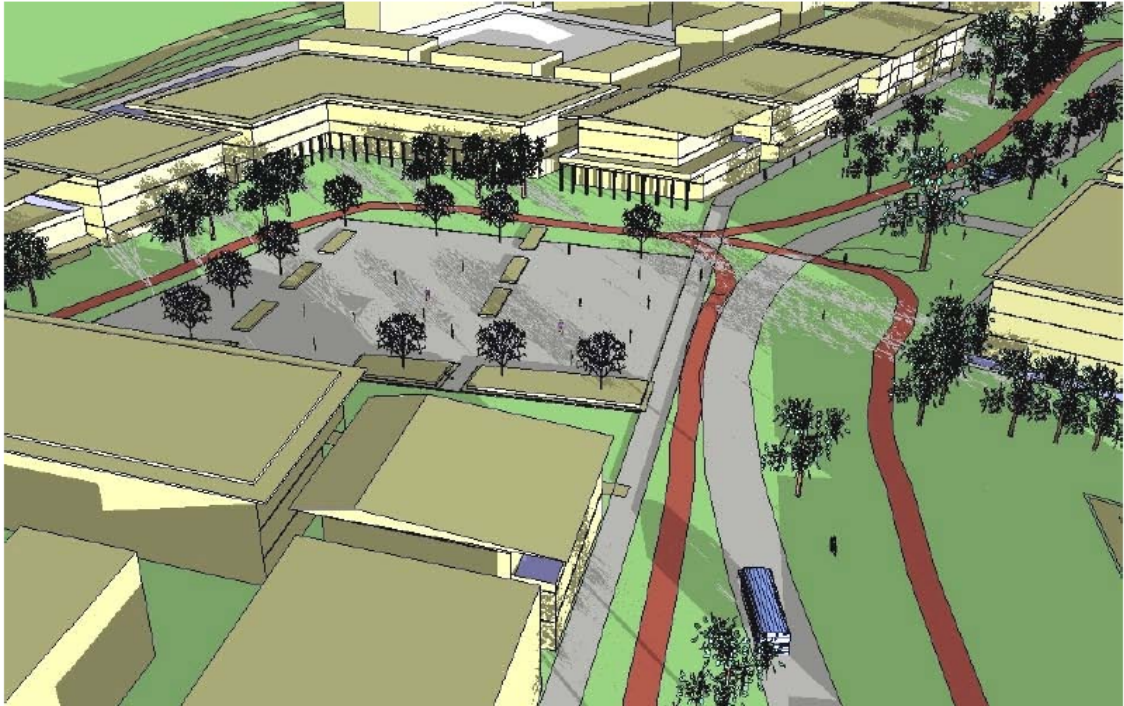
Table 7: Adamstown SDZ Summary

Scope	
Scheme promoter / landowner	<ul style="list-style-type: none"> • South Dublin County Council Development Agency prepared the SPZ Scheme • Chartridge Developers (consortium of 3 developers) committed to the delivery of the scheme
Objectives	<ul style="list-style-type: none"> • Address a housing shortfall in the Greater Dublin Area • Create sustainable communities through best practice in planning and design • Efficiently utilise public investment in infrastructure facilities • Deliver effective planning and development, benefiting from the site's size and location
Preparation	
Timescales	<p>Government Order issued 1 July 2001. SDZ Scheme produced by SDCC and approved by An Bord Pleanala 26 September 2003. Scheme includes an Environmental Statement to assess impacts. 10-12 months from production of draft scheme to adoption.</p> <p>Planning scheme forms part of extant County Development Plan and is in place until revoked. This was reviewed and changes were made in 2014, however some of these proposing a remix of housing were rejected by An Bord Pleanala.</p>
Consultation	<p>Draft scheme subject to public consultation during January & February 2003.</p> <p>Submissions and observations to the scheme were collated and a Report recommending 40 changes was referred to Members in April 2003. Members made additional amendments before the Scheme was 'made' on 7 May 2003.</p> <p>Twenty interested parties who made submissions appealed the decision to An Bord Pleanala. These were considered at an oral hearing which resulted in 26 further modifications before the scheme was adopted on 26 September 2003.</p>
Costs / Funding	Circa €250,000 (£223,000) for production of the SPZ scheme borne by the Development Agency, in this case SDCC
Costs required	Preparatory and technical land studies, environmental impact appraisal, transport studies
Resourcing	Extensive internal Project Team of 24 staff Team of 13 outsourced architects, engineers and planning consultants Steering Group of 9 members
Scheme	
Duration	<ul style="list-style-type: none"> • Adopted scheme becomes part of the development plan and is in place until revoked. • Development Agency can apply to vary the scheme to An Bord Pleanala • The Council amended the scheme in 2014 and applied for further amendments in May 2017
Conditions	<p>Scheme stipulates:</p> <ul style="list-style-type: none"> • Types of development permitted and extent of this • Design, heights, external finishes and general appearance of structures • Public transportations, roads layout, parking, traffic management • Servicing, waste and sewerage facilities • Minimising adverse environmental effects • Provision of community amenities relative to residential development
Developer Contributions	<p>Developer Contributions secured under Section 48 of the Planning & Development Act 2000 on a 'per sqm' basis.</p> <p>All on site infrastructure provided by developer consortium, approximately €120m (£107 million).</p>
Conformity Procedure	Determination period of 8 weeks. Dedicated LPA team dealing with proposals within the SDZ. Identical planning process to non-SDZ applications. No party, either applicant or third party, can appeal against the refusal of an application which is deemed not to be compliant with the scheme. Planning consents must be implemented within 5 years from date of decision.

Review	
Progress	<p>Since the Adamstown SDZ came into operation in September 2003 and as of July 2017, 54 applications have been granted planning permission, 1 was withdrawn and 2 were returned as invalid.</p> <p>A large number of applications was received between 2004 and 2009 with initial phases of transportation and drainage, residential development, schools, sports and recreational facilities, landscaping, internal road network, office buildings and Adamstown District Centre all securing consent.</p> <p>Following the economic downturn, development ground to a halt and a further application was not received until 2012.</p> <p>Around 1,400 housing units have been completed and occupied to date, with a projected population of 20,000 upon completion of the entire site. At least 10% of this will be social housing. Planning permissions are in place for around 3,500 homes and currently a Community College, Primary School, crèche, park, playground, playing fields, two shops and a hairdressers exist at the site, in addition to the railway station.</p>
Issues	<p>The financial crash of 2008 halted all development and owing to market conditions, the Council attempted to reduce the density of the planning scheme in 2014, by doubling the proportion of houses to apartments, however this was blocked by An Bord Pleanala who wished to maintain the current mix.</p> <p>Market conditions have now improved and there is again a strong drive to deliver housing in Dublin. Construction restarted on site in late 2016 and Adamstown is now in a strong position to pick up where it left off pre-2008 with community assets and infrastructure likely to materialise as part of the wider planning scheme.</p>
Lessons Learnt	<ul style="list-style-type: none"> • Small group of developers resulted in straightforward dealings and negotiations with the LPA. • Large site benefitted from upfront capital expenditure to deliver infrastructure, helped by early commitment from key agencies. • Key public transport improvements key to the successful implementation of the scheme. • Adamstown and the Council benefitted and continues to benefit from Irish Government funding initiatives – such as the recent Local Infrastructure Housing Activation Fund – to deliver the planning scheme. • Likely to be built out in line with the scheme in future, delivering a successful community.
Differences / Comparison with Scottish SPZs	<ul style="list-style-type: none"> • SDZs provide presumed consent if planning applications comply with the content and conditions of the scheme. • Liable to full planning fee upon submission. • Rights of appeal for refused applications removed for all parties. • SDZ preparation process lengthy – up to two years to prepare a draft scheme – and adoption procedure susceptible to delays due to LPA approvals and appeals to An Bord Pleanala. Potentially 3 years in total. • Scheme may be amended or revoked at local level by the LPA with the consent of the development agency – An Bord Pleanala has no remit in this respect.

Case Study 8: Clonmagadden SDZ, Republic of Ireland

Figure 18: CGI of SDZ Centre²⁵



Source: Conmagadden SDZ

4.38 Project Background

A SDZ for Clonmagadden Valley, Navan was designated by Government Order on 1 July 2001, under Part IX of the Planning & Development Act 2000. Navan is the county town of Meath, approximately 50km north-west of Dublin and considered as lying within the Greater Dublin Area.

The SDZ scheme established under the Government Order²⁶ on around 38 hectares comprised residential development, schools, neighbourhood retail facilities and community facilities. It was designated in response to the deficiency in housing supply on a national scale and the Greater Dublin Area. The site fell under the ownership of four parties.

Meath County Council, as Development Agency, prepared a draft SDZ scheme in accordance with Section 168 of the Planning & Development Act 2000 and displayed this for a period of 8 weeks between July and September 2003. A total of 704 submissions were taken into consideration within the Manager's Report, with local councillors resolving to make further amendments to the scheme in December 2003. The making of the SDZ scheme was appealed to An Bord Pleanala and a two-day oral hearing took place in May 2004 made a number of

²⁵ Clonmagadden SDZ Scheme: www.meath.ie/CountyCouncil/Publications/PlanningPublications/NavanMunicipalDistrictPlanningPublications/ClonmagaddenStrategicDevelopmentZone/

²⁶ Clonmagadden Valley SDZ Order 2001: <http://www.irishstatutebook.ie/eli/2001/si/274/made/en/print>

modifications and amendments resulting in the approved Clonmagadden SDZ Planning Scheme.

4.39 Scheme

The adopted SDZ Planning Scheme includes:

- Circa 1,400 residential dwellings of mixed density and type
- Commercial facilities
- A primary school and healthcare centre
- Community, leisure and recreation facilities including a football pitch and children's play area
- A spine road and distributor roads
- A bus gate adjacent to central public square
- Extensive landscaping, tree planting and public open space
- Internal dedicated cycle and pedestrian ways

The Clonmaggaden SPZ Planning Scheme specifies phased provision of infrastructure in line with the phased development of housing assisted by payment of Development Contributions. This is in compliance with Sections 48 of the Planning & Development Act 2000 and calculated by Meath County Council's Contribution Scheme. Special Development Contributions are also required for the upgrading and provision of certain elements of the road infrastructure within and adjoining the SDZ lands and for deficiencies in on-site provision of open space and recreational facilities. This included proposals for the construction of the Blackwater Bridge which was vital to the successful delivery of the SDZ. The scheme anticipated a build out rate of between 140 to 280 dwellings per annum resulting in a completed development within 10 years.

Agreement between the four land owners and Meath County Council was reached in February 2002. This stipulated that parties would pay the local authority a sum equivalent to the consultant's fee to prepare the SDZ, on a pro-rata basis. Each party retains the right to require any of the other parties' land to provide a right of way and way-leave for all services for the purpose of the development and to construct such roads and services on the others land in order to implement and comply with the planning scheme. The scheme concludes that significant planning gain of developing the land in accordance with the SDZ scheme allows for the comprehensive structure for the overall development which ensures provision of community, amenity and commercial facilities in conjunction with the delivery of homes.

The Dublin Transport Office, in its 'Platform for Change'²⁷ document published in 2000, stated intentions for reinstating the rail line to Dublin as well as improvements to regional roads, the N3 and N4. This was to be complemented by improved local bus services, with a major public interchange developed to the south of the town centre and regular bus services serving the SDZ as well as routes for cycling and walking. However, owing to the economic downturn of 2008 and associated recessionary budget cuts, the proposed rail link was halted in 2011, with construction falling 35km short of Navan. In excess of 33,000

²⁷ Dublin Transport Office 2000: https://www.nationaltransport.ie/downloads/archive/platform_for_change_2001.pdf

people make the daily commute out of County Meath to work and CIE, the national public transport provider, currently operates in excess of 40 buses per day alongside a number of private companies to provide a link to Dublin. Lack of completion of the rail link in tandem with the 2008 market crash clearly completely undermined this SPZ.

Table 8 summarises the Clonmaggaden SDZ.

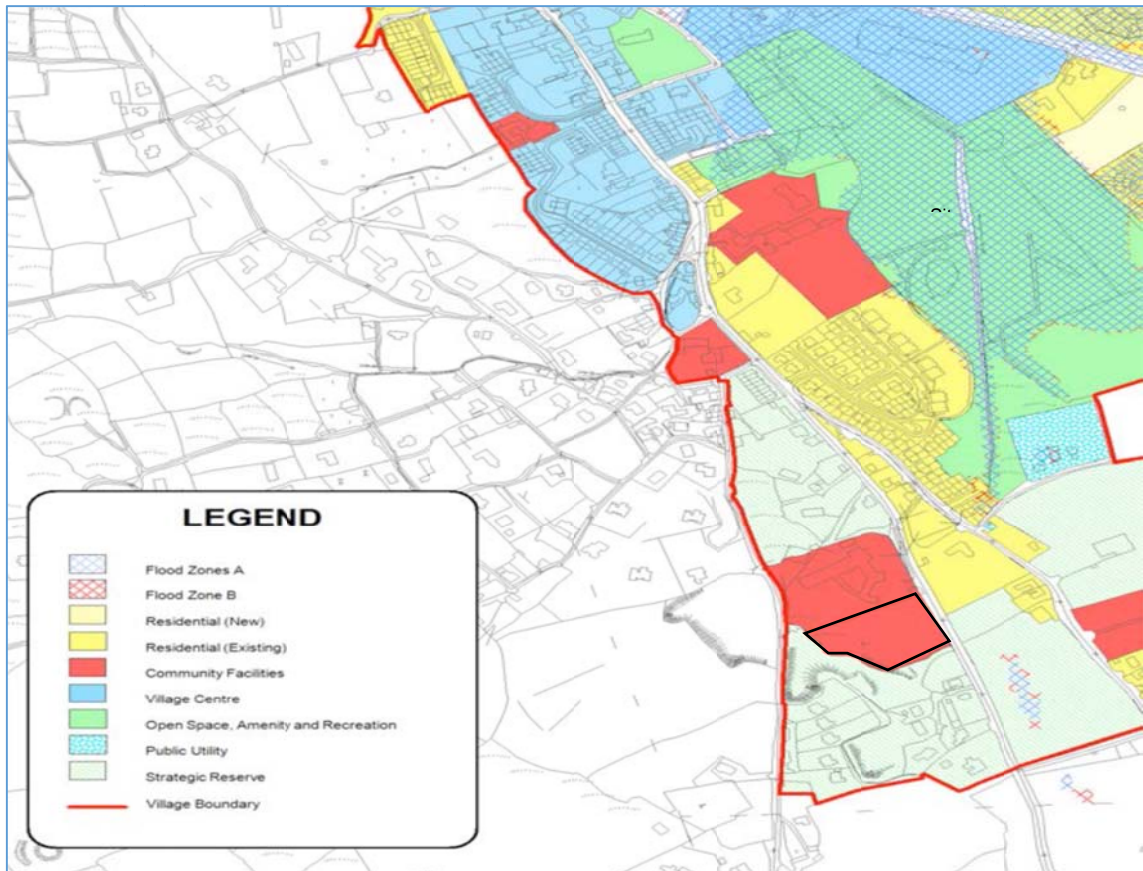
Table 8: Clonmaggaden SDZ Summary

Scope	
Scheme promoter / landowner	Meath County Council - four different landowners
Objectives	Contribute to achieving Navan's role as a Primary Development Centre accommodating 40,000 residents. Boost delivery of housing within with Greater Dublin Area through comprehensive planning and sustainable development of the area.
Preparation	
Timescales	Government Order issued 1 July 2001. SDZ Scheme produced by Meath County Council and approved by An Bord Pleanala on 18 May 2003. 22 months elapsed from issuing of Order to adoption. Planning scheme forms part of extant County Development Plan and is in place until revoked. Scheme includes an Environmental Impact Statement.
Consultation	<ul style="list-style-type: none"> • Presentation to Meath County Council in November 2002. • Public meeting with local community and sports clubs in December 2002. • Invitation of representation from key agencies and public bodies. • Direct meetings with landowners.
Costs / Funding	No details available on cost of scheme preparation due to the period of time elapsed in the interim. Costs of redraft and renewal of planning scheme today likely to be circa €100,000 (£89,000) for the LPA and the land owners combined.
Costs required	Technical studies, ground surveys, transport and roads, ecology, air, noise and cultural heritage assessments.
Resourcing	<ul style="list-style-type: none"> • Team of 8 Meath County Council staff. • Team of 14 external consultants and engineers.
Scheme	
Duration	SDZ Scheme remains in place until revoked.
Conditions	Scheme stipulates compliance with regards: <ul style="list-style-type: none"> • Land use, layout and density of new development to assist accessibility for residents linking to Navan town centre • Provision of ancillary communities services and retail facilities • Developing sites with modern urban design solutions • Management and integration of biodiversity on site
Developer Contributions	Special Contributions sought under Section 34 of the Planning & Development Act 2000 for roads and bridge infrastructure within and on adjoining lands, as well as open space and recreational facilities. Per-unit Developer Contributions under Section 48 of the Act. Developers agreed a pro-rata sum with Meath County Council for the preparation of the SDZ and rights to develop necessary infrastructure on lands outwith their ownership to implement the planning scheme.
Conformity Procedure	Determination period of 8 weeks with no right to appeal a refusal. Approval granted subject to compliance with details of the planning scheme relating to: <ul style="list-style-type: none"> • Design, layout and mix of uses • Built form & density • Road network, mobility and movement • Implementation of infrastructure, schools and community facilities • Open space, landscaping and utilities provision. Planning application fee required.

Review	
Progress	<p>To date, just one planning application has been submitted to develop Phase 1 of the Clonmaggaden SDZ planning scheme. This was received in December 2009. The application was of a substandard nature and did not comply with the content of the planning scheme in respect of phasing, density, house type and site layout. The LPA requested further information from the applicant, however this was insufficient to determine the application and this was subsequently refused planning permission in January 2011. No further applications have been brought forward in the interim period and Clonmagadden has not been included in the residential zoned land total for Navan as set out by the Meath County Council Development Plan 2013-19.</p> <p>The SDZ has seemingly become redundant and surplus to the requirements of Navan, which has seen a focus of residential growth emerge at other sites zoned for residential use at more accessible locations in recent years.</p> <p>Around 50% of the lands within the SDZ boundary were listed for sale during November 2016 and the potential of amending the planning scheme to accommodate lower density development was mooted by the selling agent as a solution to the ineffectiveness of the scheme to this point.</p>
Issues	<p>The failure of the Clonmagadden SDZ to achieve its objectives of rapid delivery of high density development is directly attributable to the economic crash of 2008. SDZs are not immune to market demand and prevailing market conditions are exacerbated particularly in the case of a regional town such as Navan. Financial constraints and budget cuts resulted in the railway line linking Navan and Dublin being incomplete. This highlights the critical importance of the delivery of strategic infrastructure if upfront planning is to enable major development.</p> <p>The LPA now consider the SDZ unfit for purpose and its continuation would require a complete overhaul which would unlikely be justifiable in financial and resourcing terms.</p>
Lessons Learnt	<ul style="list-style-type: none"> • Over-reliant upon a key element of strategic rail infrastructure which was not delivered – this had an existential impact on the SDZ. • The failure of the only planning application prevented the construction of the Blackwater Bridge in Navan which constrained the scheme further. • The concept of the SDZ being of national significance is considered to be sound, however more challenging in terms of delivery due to regional location detached from the main conurbation of Dublin. • No upfront infrastructure funding / implementation by land owners due to lack of capital backing. • No commitment from developer before proceeding with SDZ preparation a notable constraint. • Dedicated and sufficiently resources LPA team necessary for successful operation and delivery of the scheme.
Differences / Comparison with Scottish SPZs	<ul style="list-style-type: none"> • Similar to the Adamstown SDZ, grant of planning permission is assumed dependent on compliance with the content of the planning scheme. • Just one planning application submitted in 2009 and refused in 2011 due to not complying with several aspects of the planning scheme. • Benefits / potential of SDZ not realised due to market conditions and reliance on national infrastructure. • Regional location on greenfield land contrast to Scottish SPZs which have been focused on regeneration or stimulating economic growth. • Planning application fee required. • Timescales between issuing an Order and drafting the SDZ Scheme (2 years in Ireland) considered vital for time efficient delivery.

Case Study 9: Carlingford Independent Living

Figure 19: Louth County Council LDP²⁸



Source: GOKU Architects

4.40 Project Background

This zoning scheme recently secured planning permission for the development of a managed ‘step down’ housing community with supporting facilities in the small town of Carlingford, County Louth, Republic of Ireland. The proposals for 30 units targeting independent living for older people were brought forward on a 0.89 hectare site. The site benefits from a zoning for ‘community facilities’ in the extant Louth County Council Development Plan 2015-21. These sites are to be developed under Policy CAR 3 to ‘provide for any identified shortfall in community facilities and services commensurate with the size and scale of the village’.

The allocation description, akin to that found in Scottish local development plans, outlined a range of uses that are deemed to be either permissible or open for consideration, without being restrictive in terms of design. This differs from

²⁸ Louth County Council LDP 2015-21: <https://www.louthcoco.ie/en/Publications/Development-Plans/Louth-County-Council-Development-Plans/Louth-County-Development-Plan-2015-2021.html>

Ireland's SDZs in offering flexibility and openness rather than conformity to pre-set parameters (as well of course as differing in scale).

4.41 Scheme

The brownfield site, situated on the site of a former quarry, lies adjacent to an existing nursing home and its proposed use was therefore deemed complementary. It is located a 5-minute walk from the town and offers a mix of 9 single storey 1-bed studio units, 3 single storey 1-bed units, 11 two storey 1-bed apartments and seven 2-bed units. A two storey community and administration facility completes the proposals by Dublin-based applicant Moate Medical Investments Ltd, who purchased the land from a private owner with the zoning in place.

The opportunity was identified by conducting a strategic mapping exercise which considered and graded potential sites at national, regional and local level. The development includes shared spaces, landscaping, water features as well as car parking and generous provision of open space (44% of the site), creating a welcoming, community-focused atmosphere. With little or no restrictions on the design parameters of the development, the architect based the residential scheme design around passive house principles to reduce energy consumption through for example orientation and insulation/ air tightness, and minimise the need for heating systems.

The proposals were fostered to directly address the specific needs of people aged 55 and over who seek to downsize from a larger family home whilst retaining their independence by living within a safe, managed community. Options for residents include purchase of a long term leasehold with a buy-back clause, renting, licence, or government or health service placement. This approach ensures the development is exclusive retained for older residents and forms part of the conditions attached to the planning approval, guaranteeing this provision in perpetuity²⁹.

Table 9 summarises the Carlingford Independent Living project.

²⁹ All images credit GOKU Architects: <http://www.architectureforlife.ie/>

Table 9: Carlingford Independent Living Summary

Scope	
Scheme promoter / landowner	Applicants Moate Medical Investments Ltd own the site
Objectives	<ul style="list-style-type: none"> • Develop a 'step-down' housing facility for people over 55 • Complement adjacent nursing home use as a community facility which complies with the allocation within the development plan
Site Characteristics	<ul style="list-style-type: none"> • Brownfield land on site of redundant quarry and adjacent to existing care home • No notable barriers to development
Preparation	
Timescales	Identified within Louth County Council Development Plan 2015 with a zoning allocation for 'community facilities' having been subject to normal consultation in plan preparation.
Consultation	Public consultation as part of the development plan preparation process through public meetings, written and oral submissions at a proportionate level decided by the LPA.
Costs / Funding	Scheme privately funded by the applicant.
Costs required	<ul style="list-style-type: none"> • Costs borne by LPA for preparation of the development plan and development management • Agents costs borne by applicant for preparation of planning application
Resourcing	Development management staff determining the application.
Scheme	
Duration	Application prepared and submitted during November 2016. Granted conditional consent in April 2017 following submission of additional information. Planning permission valid for 5 years from date of issue.
Conditions	Description of 'community facilities' zoning objective permitted flexibility in design resulting in an innovative and integrated design and layout. Conditions attached to planning consent ensure that development is retained for independent living in perpetuity and will not be lost to the open market
Developer Contributions	<p>Developer Contributions secured under Section 48 of the Planning & Development Act 2000 and in line with Louth County Council Contribution Scheme 2016 calculated on a 'per sq.m.' basis.</p> <p>Monies mitigate against costs incurred or to be incurred by the LPA in the provision of roads and surface water infrastructure as well as parks, recreation, amenity and community facilities.</p>
Conformity Procedure	Development pursued through normal planning application process with an 8 week determination period. This was extended as additional information sought by Louth County Council on design of the scheme, with determination period of approximately 20 weeks.
Review	
Progress	Louth LDP adopted in 2015 and development now under construction following approval in late April 2017.
Issues	<p>Issues with design and layout addressed through submission of additional information within the determination period.</p> <p>Focus on high quality design of proposals to produce an integrated and community orientated development.</p>
Lessons Learnt	Identified as an investment opportunity by developer to deliver specialised housing for an identified community need.
Differences / Comparison with Scottish SPZs	<ul style="list-style-type: none"> • No specific upfront consenting mechanism however proposals required to conform to the content of the Local Development Plan. • Zoning for 'community facilities' provided flexibility for bringing forward uniquely designed housing for a particular sector of the market. • Rights of appeal against the decision of the LPA extended to the applicant as well as third parties. • Planning application fee required.

Other Examples

- 4.42 This section highlights other approaches relevant to the evolution of Scottish SPZs. None of the examples purports to be a full case study, and much of the material is second-sourced (whereas the case studies above are each based upon original source material and direct discussions with the promoters). The examples are a mix of strategic projects and local sites and policy initiatives.
- 4.43 The current phase of the Dublin Docklands regeneration is being delivered through an SDZ. As above, an SDZ is a national priority project initiated by order of the Irish Government. The planning mechanism is a presumed consent (our term) for developments which are deemed to be compliant with the SDZ scheme. The current SDZ closest to Dublin city centre, North Lotts, extends to 27 hectares and commenced in 2014; a recent update at a site visit indicated that approximately fourteen major sites have now been consented. The overall mix of floorspace is to be 50:50 residential: commercial, with some tolerances around that by individual block. Land ownership is fragmented, but a small number of major landholdings are controlled by NAMA, the government bank which took ownership of distressed loans following the 2008/09 market crash. This ownership control and the government directive to LPA's and infrastructure agencies carries major weight in delivering serviced, masterplanned development with attendant design codes which developers can then comply with to secure consent, through the submission of a planning application.
- 4.44 A number of potential locations in northern continental Europe were considered as SPZ comparator projects, through consultations, existing case studies³⁰ and web-based materials. In very broad terms, examples in the Netherlands, Sweden, Denmark and Germany exhibit the same characteristics as Irish SDZs; ie. public sector control over land which is then serviced and sold to developers subject to mixed-use masterplans and design codes, typically with extensive consultation and formal governance. Therefore the mechanism again is presumed consent, in that planning applications must still be made and approved, rather than upfront / pre-consent where planning permission is already obtained and developers simply notify the authority of their intent to start on site.
- 4.45 The closest to SPZ/ LDO-type mechanisms among the overseas examples reviewed is Germany's Bebauungsplans (B-Plans). A regulating plan and design code are subject to formal consultation and adoption, after which individual planning consents follow only an administrative checking procedure which verifies compliance against the B-plan and building regulations.
- 4.46 Approaches in Scotland which broadly align with the overseas examples of 'presumed' (or 'likely') consent might include Urban Regeneration Companies such as Clyde Gateway, housing regeneration areas at Glasgow's Transformational Regeneration Areas or Edinburgh's 21st Century Homes sites, or Dundee Waterfront. There is no upfront planning consent, but public agencies

³⁰ Existing case studies of Ijburg Amsterdam, Hammarby Stockholm and Freiburg Germany are from Delivering Better Places in Scotland: A guide to learning from broader experience (Scottish Government, RICS Scotland and Architecture + Design Scotland, December 2010)

prepare and service development sites with attendant masterplans and possibly design codes, meaning that a compliant development proposal may be approaching the presumed consent of Irish SDZs or the overseas examples noted above.

- 4.47 Moving back to a localised level, the Housing Zones initiative in England reviewed in Section 2 embraces not only planning policy but also financial delivery. The financial support package can include recoverable upfront investment from the UK Government, cost effective borrowing from the Public Works Loans Board and priority access to planning and technical support.
- 4.48 The Teignbridge LDO case study highlighted an interesting direction in England. A local policy introduced in 2014 requires that 5% of plots within housing consents are for self and custom build. To date 130 plots have been consented with attached design codes and some are now on site; to protect the lead developer's interest the plots can be conditioned to expire if a detailed application does not come forward within a set time period. Other LPA's have put similar requirements into their draft local plans but have had this rejected by the Inspector. At a national (English) level, The Custom & Self Building Housing Act 2016 now requires all LPA's to monitor and meet housing demand from those sectors. Bristol reports demand from 560 people seeking custom or self-build housing plots. SPZs or their successors could support a similar approach if that policy direction emerges in Scotland.
- 4.49 At Homemade Heartlands in Cornwall, Igloo Regeneration is using a 'plot passport' approach to stimulate a 54-unit custom-build housing development. The plot passport was agreed between the LPA and the developer, around six house types which are then customised to suit the purchaser's requirements. The developer is now working on a design code called 'place prospectus' for its land at Port Dundas, Glasgow, which secured planning permission in principle in 2016; a similar plot passport approach may be taken.
- 4.50 Scotland's 16 Enterprise Area³¹ sites are focused on life sciences, low carbon / renewables north, low carbon / renewables east and general manufacturing / growth sectors. In addition to financial incentives and business support, Enterprise Areas have adopted fast-track planning procedures through a non-statutory National Planning Protocol which offers free pre-application advice within two weeks of request, early implementation of a processing agreement and a dedicated senior planning officer, stakeholder commitment to respond timeously and determination of major applications within three months. This is a streamlined and expedited approach rather than an upfront consenting process.

³¹ These are distinct from Scotland's expired Enterprise Zones, which did offer upfront consenting via simplified planning and were incorporated into planning legislation.

Summary

- 4.51 This section has considered nine detailed case studies and a number of supplementary examples. Upfront planning consents are shown to be a targeted mechanism, among a broader approach where public agencies deliver serviced land with the benefit of masterplans and design guidance. The latter approach is termed 'presumed consent' here to differentiate from upfront consent, as planning applications and approvals are still required.
- 4.52 Examples of true upfront planning consent comprise the Scottish, English and Northern Irish SPZs, the English LDOs and possibly the German Bebauungsplans. These are typically planning interventions by public agencies or landowners seeking to attract investment to employment sites, regeneration areas and to promote alternative housing tenures and formats. The English LDO housing examples suggest that the Scottish pilots could be rolled out more widely, although the LDO process is more localised and adaptable than Scottish SPZs are at present. All of the upfront consenting examples demonstrate a degree of predictability of development output, due to being for targeted uses and of modest scale (Graven Hill in Cherwell being an exception). This predictability of outputs is critical in relation to development, design and impact considerations.
- 4.53 Table 10 over the following two pages summarises the key processes across each mechanism.

Table 10: Comparison of consenting mechanisms

Feature	SPZ Scotland (currently)	SPZ England & Wales	SPZ Northern Ireland	LDO England & Wales	SDZ
Scope	Utilised to aid regeneration. Schemes can be general or specific in nature.	Utilised to aid regeneration. Schemes can be general or specific in nature.	Viewed as a tool to promote economic benefit in NI.	Tool to attract investment and stimulate regeneration, can cover a wide range of type and geography	Initially focused on delivery of residential development on large scale; now adapted for commercial and mixed use development.
Protected area exclusions	Conservation areas; EIA development; National Scenic Areas; green belt and other environmentally sensitive sites.	Conservation areas; EIA development; National Scenic Areas; National Parks green belt and other environmentally sensitive sites.	Conservation areas, environmentally significant areas e.g. National Parks, Nature Conservation and Amenity Lands, Area of Outstanding Natural Beauty, SSSIs, NNR.	Listed Buildings, development which is schedule 1 of EIA regulations, European sites or European offshore marine sites	No exclusions.
Preparation	Scheme prepared by planning authority or land owner if considered desirable. No formal time period for preparation of scheme.	Scheme prepared by LPA or land owner. No formal timescale for preparation of scheme.	Scheme prepared by LPA with consideration of regional development strategy. No time period for preparation.	Prepared by LPA, no formal time period & does not have to conform to local plan policies.	Development Agency has 2 years to prepare Scheme post Government Order.
Consultation	<p>Pre-deposit: relevant authorities and community councils notified of intention to prepare scheme.</p> <p>Deposit: formal consultation of draft with 6 week period to comment.</p> <p>Further 6 week period if material modifications made by planning authority.</p> <p>Planning authority may hold public hearing or inquiry. Scottish Ministers can call in scheme to amend.</p>	<p>Pre-deposit: relevant authorities and community councils notified of intention to prepare scheme.</p> <p>Deposit: formal consultation on draft with 6 week period to comment.</p> <p>Further 6 week period if material modifications made by LPA.</p> <p>LPA may hold public hearing or inquiry. Ministers can call in scheme to amend.</p>	<p>Pre-deposit: consult list of relevant bodies</p> <p>Deposit: formal consultation on draft for 8 weeks</p> <p>LPA can hold independent examination of representations and respond to consultation responses.</p>	Consult - relevant bodies/ authorities/ landowners on draft scheme for minimum 28 days	<p>Prior to preparation: consult relevant authorities</p> <p>On preparation: min 6 week period for public representation and written submissions.</p> <p>Reviewed by Local Members or hearing by An Bord Pleanala to gain approval.</p>
Adoption	If no objections received, scheme is automatically adopted after 6 week consultation period, must notify Scottish Ministers. Planning authority may hold a PLI to consider representations if necessary. Modifications must be advertised for a further 6 weeks prior to adoption (if material) Scottish Ministers can direct LPA not to adopt scheme until satisfied	If no objections received, scheme is automatically adopted after 6 week consultation period must notify ministers. LPA may hold a PLI to consider representations if necessary. Modifications must be advertised for a further 6 weeks prior to adoption. Secretary of State can direct LPA not to adopt scheme until satisfied it meets with	SPZ scheme can be adopted with or without modifications after an 8 week inspection period. Department of Environment can call in modified scheme and direct LPA not to adopt.	On adoption, LPA must send a copy of the LDO, Statement of Reasons and any Environmental Statement to secretary of state within 28 days of adoption. Must place LDO on planning register within 14 days	Circa 10-12 months post draft scheme preparation.

Feature	SPZ Scotland (currently)	SPZ England & Wales	SPZ Northern Ireland	LDO England & Wales	SDZ
	it meets with regulations.	regulations			
Duration	Scheme in place for 10 years.	Scheme in place for 10 years,	Scheme in place for 10 years.	No formal time period - set by the LPA	Scheme in place until revoked or amended. Date of review may be inserted into scheme.
Monitoring	Council encouraged to keep register of development within SPZs.	Council encouraged to keep register of development within SPZs and brief particulars.	Adopted SPZ scheme must be kept as part of the council's planning register.	Monitoring not required but recommended to inform revocation/revision	Clause can be drawn into Scheme for review after specified date.
Conformity Process	Developers required to submit pre-development notification form to meet conditions of scheme – planning authority to respond within 14 days. Certificate of Lawlessness can be secured on request.	Developers must supply Notification of Development to the council within 3 months of commencement of development to demonstrate conformity with the scheme. Certificate of Lawful Use or Development can be obtained for a fee from the LPA, where considered necessary.	Development must conform to conditions, limitations or exceptions specified in the scheme. No details of development notification available.	Non-statutory application for conformity to be submitted to the LPA usually with an associated fee, LPA normally respond in 28 days	Proposals are made via planning applications which must comply with content of Planning Scheme to gain consent. LPA retain enforcement powers if development not implemented correctly.
S75/ Developer contributions	Section 75 agreements attached where necessary.	Section 106 agreement for infrastructure associated with development.	None.	Section 106 agreements requested for infrastructure	Contributions secured under Section 48 of the Planning & Development Act.
Revision/ Revoke	Planning authority can alter a scheme at any time under the same procedures applicable for preparing a scheme. Planning authority can modify and revoke the scheme with the permission of Ministers if originally approved by them. Certain modifications cannot take effect until the scheme has been in place for 12 months.	LPA can alter a scheme at any time under the same procedures applicable for preparing a scheme. LPA can modify and revoke the scheme with the permission of the Secretary of State Ministers if originally approved by them.	SPZ scheme can be altered by LPA at any time, or alter with Department of Environment consent any scheme approved by the Department.	Scheme can be revised/ altered by LPA or Ministers at any time. No set timeframe for revision	Development Agency can apply to amend scheme to An Bord Pleanala. Scheme can be revoked by the Government on agreement with LPA.
Alignment of other consents	Other consents dealt with separately.	Other consents dealt with separately.	Other consents dealt with separately.	Other consents are dealt with separately	Roads and building warrant consent dealt with separately.

5. Summary and Conclusions

Introduction

- 5.1 A Simplified Planning Zone (SPZ) scheme “grants planning permission for the types of development it specifies within the zone without the need for any individual planning permission’ (Scottish Government Circular 18/1995). Interest in SPZs has been rekindled recently through Scotland’s Economic Strategy, the third National Planning Framework 2014 and the January 2017 consultation Places, People and Planning. The latter suggests that SPZs could be re-launched to deliver development and support place-making, with a new emphasis and evolution to include housing as well as economic regeneration.
- 5.2 The Scottish Government appointed Ryden, in association with Brodies, to research the use of SPZs and equivalent mechanisms used outwith Scotland. The aim is to assess the potential for a more flexible and more widely applicable land use zoning mechanism than SPZs provide at present, including the potential to support:
- delivery of housing at scale
 - encouraging alternative housing delivery models
 - achieving an infrastructure-first approach to development
 - supporting areas where market interest has been limited
 - assisting with area regeneration, and
 - delivering improved place making outcomes for communities.
- 5.3 The research was tasked to consider barriers and issues to wider use of SPZs such as such as; restrictions on scope (conservation areas, requirement for EIA); preparation timescales; resourcing; compliance, other consents and securing developer obligations/ legal agreements.

Summary

- 5.4 Scotland’s existing SPZs are at Hillington Renfrewshire/Glasgow (employment) and Renfrew (town centre). New SPZ housing pilots have been launched in Argyll & Bute, North Ayrshire and Dumfries & Galloway. Further emerging employment SPZs are noted in Aberdeenshire and Scottish Borders. These will provide ongoing evidence of SPZ performance in Scotland and help to inform future changes.
- 5.5 The Scottish Government’s formal public consultation on ‘Places, People and Planning’ yielded written responses on SPZs which Ryden supplemented with a wide range of consultations. These found broad support for a rebranded zoning approach to streamline planning processes and provide greater confidence in delivery of development. Concerns about more widespread use of SPZs tend to be specific to the type of respondent: planners are concerned about resourcing of additional work and that site selection and design control should not be

weakened; developers about obligations and infrastructure; communities about consultation and development quality. An early, upfront collaborative approach between applicants, planning authorities, key agencies and communities is seen as positive. The suitability of SPZs for smaller, less complex sites, non-market housing, regeneration sites and business space is recognised, although respondents highlight a range of barriers to overcome in scaling-up the approach to larger housing sites.

- 5.6 A suite of case studies and examples identified that upfront planning consent is a targeted mechanism; these are the Scottish, English and Northern Irish SPZs, the English LDOs and possibly the German Bebauungsplans. These planning interventions by public agencies or landowners seek to attract investment to employment sites, regeneration areas and to promote alternative housing tenures and formats. The English LDO process is more localised and adaptable than Scottish SPZs are at present in several aspects including; flexibility in terms of duration (they can be permanent or time-limited), consultation (minimum 28 days) which is appropriate to the scale of each proposal; no requirement for secretary of state intervention at any point and the order can be modified at any time. The examples demonstrate a degree of predictability of development output, due to being for targeted uses and of modest scale; this predictability is critical to development, design and impact considerations. This upfront consenting is distinct from the regeneration approach where public agencies deliver serviced, masterplanned land for which acceptable development proposals may presumably be consented via a planning application.

Target market areas

- 5.7 Based upon the research presented in this report, the most appropriate target market areas for SPZs or their successors in Scotland are judged to be:

5.7.1 **Employment sites (industrial and business estates).** The typically homogeneous buildings types, low development densities, non-residential setting and predictable impacts of employment sites can lend them to upfront consenting. The potential is demonstrated at Hillington SPZ, the emerging Energetica and Tweedbank SPZs and the Swindon LDOs in England. Marketing of sites and attracting investment can be enhanced, both for new-build projects and the extensive regeneration and refurbishment which many of Scotland's ageing industrial estates now require. Where existing infrastructure is already in place, the SPZ (or equivalent) need only deal with incremental change.

For high density employment-led urban business districts, the more likely consenting model will continue to be an upfront infrastructure and land delivery mechanism based upon broad development bandings, for example through development briefs, masterplans and presumed consent or plot passports. It may be feasible to introduce an SPZ within such a district, but the complexity of development forms, mixes, impacts and the capacity for these to change over time would make full upfront consenting challenging and may require extensive conditions.

5.7.2 **Windfall disinvestment sites.** From time to time, large industrial closures in Scotland yield substantial brownfield land which will not be fully utilised

again for employment purposes. The typical focus of the company / receiver is on a land sale for redevelopment to bidding developers who will each review planning potential. The public sector – often through a Task Force or economic development agency – will focus upon re-investment and re-employment. Upfront consenting could potentially achieve a less contentious, quicker and clearer outcome than the normal planning process, if agreement around a development solution can be established. This would be most effective where the site is widely acknowledged as surplus and has a predictability of the future development mix. It is clearly not applicable in all locations or cases.

5.7.3 As a development of the approach, upfront consenting could be considered for a **national priority investment zone** which is also benefiting from infrastructure investment by an agency or mechanism such as Tax Incremental Financing (TIF), Growth Accelerator (GA) or City Deal, backed by a clear business case. Energetica offers an early example of an NPF3 priority being approached in this way. The same approach could offer a marketing and delivery tool for other national economic priorities which have been masterplanned and serviced for, say, office headquarters or logistics (ie. identifiable use classes and development formats which do not have other complex consenting processes, as say the energy or transport sectors do).

5.7.4 **Housing sectors and delivery models.** The traditional volume housebuilding market has an established planning route, subject to improvements sought through the current planning review. There appears to be little current appetite for SPZs from traditional volume housebuilders. If upfront consenting were to be used for larger housing sites, these would require to have resolved planning and infrastructure and technical issues and have legal agreements in place to deal with market change. Further research and evidence from pilots and other locations would be required, but an SPZ could potentially allow for standard pre-approved house types to be developed, in line with an agreed masterplan and subject to phasing.

Where upfront consenting can clearly play an expanded role is in supporting development by local housebuilders, in rented and affordable housing and in other needs such as assisted living, co-housing and self- and custom-building. Designing Streets and Designing Places guidance can inform the level of design prescription and flexibility, potentially around 'plot passports' as seen with English housing LDOs. Standard, pre-approved house types could again also be considered.

The SPZ housing pilots in Argyll and Bute, North Ayrshire and Dumfries and Galloway are targeting these alternative sectors and delivery models in areas of low demand and market failure, where volume housebuilders are unwilling and local housebuilders may be unable to promote sites. A pre-consented zone lets a promoter such as the local authority maximise the chances of investment by permitting development while avoiding prescription, allowing the freedom to innovate within parameters. Crucially, the approach can also fragment a site to attract niche developers, without the need for repetitive planning applications. Smaller developers can buy/ build/ sell at an appropriate scale and on a repeat basis if required. This is potentially a replicable model. The housing pilots could be extended to

small to medium brownfield sites across Scotland (similar to the current DCLG policy focus on such sites in England). Land use flexibility would be encouraged, responsive to the full range of market needs and demand, potentially including further tenure and delivery model innovation.

Cherwell in England is an interesting example of both alternative housing and a major site. Outline (equivalent to PPP) consent for the full 1,900-unit new community is sought, but then rather than seek full / detailed planning consent by phase, the project promotes upfront consent (LDO) by phase. That site also used multiple public sector funding streams. The model may have potential in Scotland at major public sector surplus sites (as Cherwell was) and in city housing regeneration areas, for example Glasgow's Transformational Regeneration Areas and Edinburgh's 21st Century Homes sites. In some ways these are simply very large versions of the alternative housing brownfield sites noted above, albeit with volume developers/ consortia attached. Such regeneration sites may have significant existing servicing and potentially some predictability of development outputs. Or, rather than a single large site, a portfolio of comparable and broadly replicable housing regeneration sites across one area might be considered for an SPZ-type programme.

Alternatively, a hybrid model could be pursued where part of a site is promoted for alternative housing via an SPZ. The Montgomerie Park Irvine SPZ housing pilot seeks alternative outcomes as part of a wider (900-unit) housing land release developed by volume housebuilders. This model is also seen in small allocations (5%) of land for self-build and custom-build housing in site allocations such as Teignbridge in England. An equivalent approach in Scotland might identify further major Community Growth Areas and promote a small SPZ element for alternative housing, building on the wider masterplanning, promotion and strategic infrastructure.

5.7.5 **Traditional town centres** offer both opportunity and need for upfront consenting. The existing Renfrew town centre SPZ and Swindon LDO offer demonstration projects which can be refined and built upon. The majority of Scotland's town centres have lost large numbers of their traditional long term retail occupiers, who have retrenched to a few prime locations. The emerging town centre mix is much more diverse and fluid due to shorter term occupancies. Within clearly defined parameters around types of building and uses, upfront consenting can potentially aid this process and encourage constant regeneration and reinvestment in town centres, including within conservation areas.

5.8 The overarching principle is that **upfront consenting will remain a mechanism for intervention to attract investment, aid delivery of targeted development and achieve policy goals**. Based upon the target markets noted above, there may be significant potential for mainstreaming forms of upfront consenting across Scotland's planning authorities, but it is unlikely that these could (or should) become a standard means of delivering traditional volume housing development. This is principally due to the uncertainty of the development details of future phases and the related infrastructure and impact externalities. As noted above however, there may be potential to extend upfront consenting into more predictable housing phases, perhaps using approved house types.

Key Principles

- 5.9 The research agrees with the independent review of planning that Simplified Planning Zones should be **re-branded**, based upon a re-launch around a more accurate description of their purpose and function as pre-consented for specified use, scale and design parameters. An accurate rebranding would favour Consented Development Zones. A user-friendly rebranding might prefer Development Ready Zones.
- 5.10 The key principles for **Consented Development Zones (CDZs)** are set out in Table 11 over the following pages. The principles are based upon the research in this report, which has been undertaken at an early stage in the re-emergence of upfront consenting in Scotland. These principles are intended to respond to the issues set out in the brief (see paragraphs 1.2 and 5.3) and provide ways forward on each. They should be aligned with the ongoing review of planning and the evidence emerging from SPZ housing pilots and other sources. The approach is intended to be long term and should provide a framework to aid the evolution of upfront consenting in Scotland in appropriate circumstances, including for future situations and target markets which have not yet arisen.

Table 11: Consented Development Zones (CDZs): Key Principles

PRINCIPLE	ACTIONS
REVISED UPFRONT CONSENTING MECHANISM	
Consented Development Zones (CDZs)	Rebrand and relaunch to signal a more specific, broader, more flexible and more ambitious approach to upfront planning consents in Scotland.
SCOPE	
<p>Target Markets</p> <p>Development which may benefit from and be appropriate for upfront planning consenting via CDZs.</p>	<p>Target markets:</p> <ul style="list-style-type: none"> • Increased range of housing sectors • Town centre regeneration (including conservation areas, see below) • Employment sites: existing, obsolete, new, windfall disinvestment • Area within an NPF economic national priority site <p>Specialist investigations could be aligned with CDZ scheme preparation, for example to undertake an audit of a town centre conservation area or align policy e.g. on niche housing (through HNDA or emerging policy area) or employment needs (through economic development or a regeneration agency).</p>
Protected area exclusions	<p>Areas requiring environmental impact assessment. The recent Circular 1/2017 clarifies the types of development which are required to be screened for environmental impacts. Paragraph 155 (Regulation 37) identifies that no Schedule 1 development can be granted planning permission via an SPZ, nor any Schedule 2 development unless screening opinion or direction confirms that it is <u>not</u> EIA development.</p> <p>Many larger sites worthy of consideration for a CDZ approach may fall into the category of requiring an EIA. The current exclusion would therefore lose potential opportunities. An alternative approach could follow the model for Review of Old Mineral Permissions (ROMP) in the 2017 EIA regulations³² which allows planning authorities to consider and, if appropriate, require EIA before determining an application. Or, a multi-stage consenting approach as set out in the 2017 regulations could be adopted based upon a “principal decision” to be followed by an “implementing decision”, reflecting respectively the upfront consent then later conformity check embedded within the CDZ process.</p> <p>The English LDO legislation, including the LDO-wide EIA approach seen in Swindon, should be assessed for potential applicability to CDZs.</p> <p>Conservation Area and Listed Buildings. Rather than automatic exclusion, the specific duties to pay special regard to Listed Buildings and special attention to Conservation Areas when determining planning applications could be required considerations when promoting CDZs.</p> <p>A notification of the intention to develop within a Conservation Area could include the opportunity for a planning authority to call-in and review specified details of the proposals, against a Design Code setting out the</p>

³² <http://www.gov.scot/Resource/0051/00518122.pdf>

	<p>factors taken into account and any limitations.</p> <p>Listed Building consents are typically focused on detail, meaning that it is unlikely that sufficient information about a future proposal would be available to allow pre-consenting (or it may change, requiring revision of the CDZ scheme, or more likely a specific planning application).</p> <p>Historic Environment Scotland and the Teignbridge LDO suggest that local audits can help break down any red-lining into consented and non-consented areas and matters, to avoid blanket exclusion. This is essential if CDZs are to apply in Scotland's traditional town centres.</p> <p>Also excluded from SPZs currently are environmentally protected areas including National Scenic Areas, SSSIs, green belts, or areas excluded by Order. These exclusions should continue for CDZs, although for completeness it is noted here that some major economic activities are non-conforming uses located in greenbelts and could, in theory at least, become windfall disinvestment sites.</p>
LEGISLATION AND PROCESS	
<p>Legislative/ policy form</p> <p>Revise / redraft legislation and Circular to reflect CDZs</p>	<p>Amend legislation and redraft the Circular to reflect planning change in interim (eg. pre-application consultations), CDZ procedural changes and the range of circumstances where the revised upfront consenting mechanism will be considered applicable (or is excluded / exempt).</p> <p>Consent will automatically be granted where the development complies with the CDZ scheme. A certificate of conformity could be provided to a developer upon request, to assist with future due diligence processes. Other consents (see below) would be included within this automatic grant.</p>
<p>Preparation and commencement: development plan alignment</p>	<p>Preparation should typically align with production of the local development plan, which may also subsist for 10 years based on the current planning review, aligning the CDZ expiry or renewal with the LDP. This will aid with the transparency of identifying, testing, publicising and consulting on potential CDZs. It would also allow CDZs to align with infrastructure plans through the LDP Action Programme. It may also allow a strategic environmental assessment to include the CDZ site. However, given the potential to respond to economic events or policy, commencement should be flexible rather than stapled to the LDP cycle. Planning authorities should have the option to consult on and launch a CDZ at any time.</p> <p>The requirement for compliance with the development plan was removed from English LDOs in 2008. This confers a further degree of freedom, unbinding not only the timing but also the development proposals from the plan. As CDZs are proposed here for windfall disinvestment sites, they should take the approach used for planning applications and be determined in accordance with the plan unless material considerations indicate otherwise. Third parties such as landowners, developers, third sector organisations and housing associations should continue to have the opportunity to formally request a CDZ via a planning authority.</p>
<p>Front-loading: preparation, commencement and resourcing</p>	<p>The SPZ obligation upon planning authorities to scan for potential new suitable sites for zoning should continue with CDZs. The potential scope is widened via the target markets noted below and CDZs should be available as a facilitating tool when the need or demand arises.</p> <p>Information requirements to support a CDZ will arise in the early scheme preparation stages. Preparation of SPZ schemes in Scotland to date have ranged across forward planning, development management and LDP teams. Promotion of CDZs would support and encourage cross-working</p>

	<p>between development planning and development management in planning authorities, as well as key agencies and other local authority departments such as roads and education. Consultations suggest that the SPZ/ CDZ preparation may not be as onerous as is commonly perceived – no larger than for example a major planning application.</p> <p>The principle activities to be resourced are planning authority time and resources, applicant time and resources, and any technical studies³³.</p> <p>Front-loading of delivery through land ownership, any remediation, servicing/ infrastructure and applicable developer contributions is a related consideration; for example the Montgomerie Park Irvine SPZ housing pilot includes local authority front-funding to help attract investment.</p> <p>Although there will be a loss of planning fees, there is less work for the planning authority once a scheme is operational. Building warrant fees and fees for certificate of lawful use (charged in English LDOs, and found to be required in some cases at Scottish SPZs to satisfy lenders) offer further income streams for local authorities arising from the schemes. The emerging Northern Ireland SPZs further suggest that these scheme will reduce the future burden on development management by lowering the number of planning applications.</p> <p>The costs of the three housing pilots are substantial in relation to those sites' housing outputs; pilots will help to streamline those costs but will not entirely defray them. Part of the pilot project reporting could consider the balance of (actual) lost planning fees versus other income streams as above.</p> <p>A system of planning fees, should be considered. This could be payable, when seeking agreement of conformity with the scheme or upon notification to the planning authority of the intention to commence development. It could be a handling fee per housing unit or area of employment or commercial floorspace.</p> <p>The best case studies and examples reviewed for this research invested significantly in upfront technical studies and consultations, often in the form of non-statutory but effective working groups.</p> <p>'Who pays' will range from landowner / developer through local to Scottish Government; all have an interest in seeing development plans and policy priorities delivered. Scottish Government for example could extend the current housing pilots into the target markets noted below, along similar competitive lines to the ongoing planning charrettes mainstreaming programme (ie. competitive bids annually for seed funding to mainstream CDZs).</p> <p>The discretionary public inquiry at the end of the SPZ scheme preparation process could be removed (reflecting a move towards greater powers at a</p>
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³³ This balance of upfront work versus benefits was crucial in Ryden's December 2016 planning permission in principle report for the Scottish Government. It is cited by the January 2017 planning review consultation document as a reason for not preferring that option, but instead considering (enhanced) SPZs as is examined in this current research report. As a very broad rule of thumb, development impacts and therefore technical studies and design solutions/ mitigations will increase at least as fast as site size, particularly for housing, in relation to thresholds for major investment at trunk roads and public transport solutions, community infrastructure such as schools, services connections and upgrades, and ancillary commercial and employment uses. This scaling-up and related thresholds may place a natural ceiling on the potential type and scale of CDZs. Designed, costing and committing masterplans and infrastructure solutions for community growth areas may be too challenging to provide blanket upfront consent.

	<p>local level), and if a CDZ is prepared in tandem with a LDP then the proposed early gate check on and examination of that development plan could fulfil the public inspection function. Where a scheme is not to be aligned with LDP preparation, then local consultation such as a design charrette may be appropriate. The aim is to make the preparation process less onerous by re-balancing scrutiny away from a formal national process towards more and better local consultation and engagement. The Scottish Government may wish to retain a call-in power in case this is judged to be required as the scope of current SPZs is enhanced and expanded.</p>
<p>Community consultation and engagement</p>	<p>CDZs could be promoted as part of the LDP process and benefit from consultation at that time of site identification and selection.</p> <p>Outside of the LDP cycle, there could be greater flexibility for planning authorities to decide the proportionate extent of community consultation, based upon the specific CDZ scheme rather than the currently prescribed national SPZ standards, perhaps backed by new Scottish Government guidance. Most case studies undertook more than the bare minimum consultation. Charrettes for example are specific to local areas and potentially appropriate for the promotion of CDZs, perhaps aligning too with the emerging proposals for 'community place plans'.</p>
<p>Duration and Monitoring</p> <p>To give certainty beyond Planning Permission in Principle to justify the level of upfront resource required.</p> <p>CDZs in regeneration areas or for novel market sectors may require time to establish a market and stimulate demand.</p>	<p>The CDZ duration could continue to be 10 years, as with SPZs. However, LDOs in England are flexible rather than prescribed – eg. 5 years is common - in line with those being a devolved rather than national mechanism, so there may be potential to introduce that optionality, perhaps via the conditions attached the CDZ. This could be accompanied by an option to renew a CDZ, on a streamlined basis if there are no material changes.</p> <p>There is no statutory requirement to monitor SPZs, however Renfrewshire Council for example has put in place a notification procedure to check when development thresholds are reached. Notification would be appropriate for CDZs of any significant scale, phasing or impact.</p>
<p>Revision or revoke</p>	<p>CDZs should include a review process as seen in Slough, Teignbridge's or Graven Hill LDOs, to open up the potential for some acceptable evolution, such as a thematic change or additional change of use class which was not anticipated in the original scheme but is nevertheless within acceptable parameters.</p> <p>A further evolution could include phasing of CDZ consents within a programme, to provide key agencies and planning authorities with a sufficiently detailed understanding of development proposals and anticipated impacts, as deployed at the large Graven Hill LDO.</p> <p>Consultation/ engagement procedures for revision should be proportionate. Minor changes within the conformity check/ acceptable parameters suggested above might not require consultation/ engagement. This places further emphasis on the quality of the initial consultation.</p> <p>SPZs can currently be revoked or amended at any time by the Scottish Ministers or by the planning authority. English LDOs have removed that national prerogative. CDZs could consider the balance of localism versus national direction, perhaps by having initial pilot schemes which continue the national prerogative, or by setting parameters for appeal against revoke or amendment to create a better balance and provide greater certainty.</p>
<p>Section 75 Agreements and Conditions (MSCs)</p>	<p>S75 / developer contributions, unless waived in particular CDZ circumstances, would be set by the LDP and any associated</p>

	<p>supplementary guidance.</p> <p>The upfront consent granted by CDZs would require a high degree of collaboration across applicant, planning authority, key agencies and communities. This offers the potential for an applicant/ planning authority co-production of the scheme, and the scope for a Section 75 being signed prior to the CDZ scheme coming into operation (noting that there is no statutory requirement for a section 75 to be tied to a planning application).</p> <p>Where there is no developer or single landowner tied to the CDZ site, upfront consenting could potentially include a new power to impose conditions requiring payment of money, removing the need for any Section 75 Agreements. This condition could be triggered by the request by a developer for a statement of conformity (see legislative policy/ form)</p> <p>Hillington Park SPZ has ongoing collaboration with transport authorities, while Montgomerie Park Irvine Housing Pilot SPZ is working with agencies to develop a structure for infrastructure front-funding and deferred land purchase payments. This aligns well with the infrastructure-first theme in the planning review.</p> <p>Section 51 of the Town and Country Planning (Scotland) Act allows conditions to be specified in an SPZ scheme and this should continue with CDZs, although the objective should be proportionality.</p>
<p>(Alignment of) other required consents</p>	<p>The case studies presented here demonstrate good collaboration with other local authority and external consenting bodies. This approach would be essential for CDZs to operate to their full potential.</p> <p>The Montgomerie Park Irvine SPZ housing pilot offers fast track building warrants and a roads construction consenting (RCC) process which sits within the North Ayrshire Council planning department. Removing barriers to consenting and streamlining the process is desirable for CDZs and is as much a local authority corporate change as a planning system or planning department change.</p> <p>Standard, pre-approved house types to fast-track Building Warrant procedures are also a potential means of accelerating and aligning the consenting process.</p> <p>Under the English system it may be possible to employ an expert to ‘self-certify’ Building Warrants rather than requesting these from local authority Building Control, creating the potential to align and speed-up the consenting process. Similarly, self-certification of Roads Construction Consent by a suitably qualified expert could be considered for CDZs.</p> <p>Listed Building Consent is still required in SPZs although planning consent is not. This is addressed below under “protected areas exclusions”.</p>
<p>FUTURE ACTIONS</p>	
<p>Monitoring and evaluation</p>	<p>The current Scottish SPZ schemes, pilots and emerging proposals should be collated into a formal monitoring and evaluation framework.</p> <p>This should extend over a number of years and also monitor activity in the English LDO sector. The purpose is to begin to build the evidence base beyond the early work in this research report, to allow the development of CDZs (or equivalent) and related policy, guidance and interventions.</p>

ANNEX: CONSULTEES

Stephen Willacy, Aarhus Kommune
Diarmaid Lawlor, Architecture & Design Scotland
Sybil Johnston, Argyll and Bute Council
Dawn Isaac, Barratt Homes
Jude Byrne, Cairn Homes
Carolyn Howarth, Dumfries & Galloway Council
Mike Galloway, Dundee City Council
James Welsh, Energetica
Ben Ellis, Fife Council
Jim Webster, Haus Architects
Trevor Moffatt, Heads of Planning Scotland / Improvement Service
Malcolm McLead, Highland Council
Dara Parsons, Alison Baisden, Alasdair MacKenzie, Historic Environment Scotland
Gary Watt, Igloo/ BIGG Regeneration
Jamie Cummings, Patrizia
Petra Biberbach, Planning Aid for Scotland
James Iles, Pro-Vision
Kevin Dalrymple, Renfrewshire Council
Craig McLaren, RTPi
Colin Proctor, Lynne Ward, Fiona Clandillon, Scottish Futures Trust
David Melhuish, Mandy Catterall, Scottish Property Federation
Charles Acland, Trevor Shaw, Teignbridge District Council
David Torrance, Transport Scotland
Tom Barclay, Wheatley Group

(Montgomerie Park Irvine SPZ housing pilot held an open day on 30th May 2017 which Ryden attended in lieu of a research project consultation with North Ayrshire Council)

Glossary of abbreviations used in this report:

BPZ	Business Planning Zone
DCLG	Department of Communities and Local Government (England)
EIA	Environmental Impact Assessment
SPZ	Simplified Planning Zone
LDO	Local Development Order
SDZ	Strategic Development Zone
LPA	Local Planning Authority
PLI	Public Local Inquiry
SPG	Supplementary Planning Guidance